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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Summary of the Human Rights Council panel discussion on the safety of journalists

**Report of the Office of the United Nations High Commissioner for
Human Rights**

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I. Introduction

1. On 11 June 2014, the Human Rights Council held, pursuant to its decision 24/116, a panel discussion on the safety of journalists. The panel focused on the findings contained in the report submitted by the Office of the United Nations High Commissioner for Human Rights (OHCHR), pursuant to Council resolution 21/12, containing a compilation of good practices in the protection of journalists, the prevention of attacks against journalists and the fight against impunity for such attacks.¹

2. Also in its decision 24/116, the Human Rights Council requested OHCHR to prepare and submit a summary report on the panel discussion to the Human Rights Council at its twenty-seventh session. The present report was prepared pursuant to that request.

3. The objectives of the panel discussion were (a) to examine the findings of the above-mentioned OHCHR report; (b) to identify challenges and good practices to ensure the safety of journalists, including the sharing of information on initiatives undertaken to protect them and to fight impunity for such attacks; (c) to promote a better understanding of international human rights norms and standards relevant to the safety of journalists; and (d) to contribute to the development of an appropriate response by the Human Rights Council.

4. The panel discussion was chaired by the President of the Human Rights Council, and moderated by the journalist Ghida Fakhry Khane. The United Nations High Commissioner for Human Rights gave an opening address. The panellists were the Deputy Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Getachew Engida; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue; Dunja Mijatović, Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE); Abeer Saady, journalist and vice-President of the Syndicate of Journalists of Egypt; and Frank Smyth, journalist and senior adviser for journalist security to the Committee to Protect Journalists.

II. Opening statement by the High Commissioner

5. The High Commissioner, in her opening remarks, stated that sound, bold and independent journalism was vital in any democratic society. It drove the right to hold and express opinions and the right to seek, impart and receive information and ideas; it ensured transparency and accountability in the conduct of public affairs and other matters of public interest; and was the lifeblood that fuels the full and informed participation of all individuals in political life and decision-making processes. The safety of journalists was quite simply essential to the civil, political, economic, social and cultural rights of all individuals, as well as to the right to development.

6. The High Commissioner noted, however, that more than 1,000 journalists had been killed since 1992 as a direct result of their profession, that 2012 and 2013 had been among the deadliest years for journalists, and that at least 15 journalists had been killed since the start of 2014. She deplored the high levels of impunity, referring to reports that, between 2007 and 2012, fewer than one in 10 killings of journalists had resulted in a conviction. Many more journalists had faced violence, harassment and intimidation, including abduction, arbitrary detention, enforced disappearance, expulsion, illegal surveillance,

¹ A/HRC/24/23.

torture and other cruel, inhuman and degrading treatment or punishment, and sexual violence against women journalists. Journalists had been tried on such spurious grounds as espionage, posing a threat to national security and alleged bias, and had often faced unfair trials and been sentenced to excessive terms of imprisonment.

7. The High Commissioner welcomed the greater international awareness of the frequency with which journalists were attacked because of their work, and the need to ensure greater protection. The Security Council, in its resolution 1738 (2006), the General Assembly, in its resolution 68/163, and the Human Rights Council, in its resolution 21/12, had all condemned attacks against journalists. They had called upon all States to act on their legal obligations to promote a safe and enabling environment for journalists so that they were able to perform their work independently and without undue interference. In 2012, UNESCO, in collaboration with OHCHR and other United Nations agencies, had developed the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, which was now being implemented in five pilot countries: Iraq, Nepal, Pakistan, South Sudan and Tunisia. Regional organizations, including OSCE, the Council of Europe and the Inter-American Commission on Human Rights, had also taken initiatives. The High Commissioner highlighted the fact that OHCHR had prepared and presented a report on good practices in the protection of journalists, including the prevention of attacks and the fight against impunity,² and expressed hope that the panel discussion would be a platform to share experiences and ideas about how best to put the key points from the report into practice.

8. The High Commissioner reminded the Council that, above all, there must be unequivocal political commitment to ensure that journalists can carry out their work safely. The international legal framework for the protection of journalists is in place, she said, pointing out that it must now be implemented at the national level. States must create an enabling environment in which the rights of journalists and other members of society could be fully respected, with clear and public agreement by officials that issues of public interest could, and should, be examined and discussed openly in the media. States must also adopt legislative and policy measures for ensuring the safety and protection of journalists and other media workers, with zero tolerance of any form of violence against journalists and full accountability for any such violence.

9. On the question of who could be considered a journalist, the High Commissioner confirmed that, from a human rights perspective, all individuals were entitled to the full protection of their human rights whether the State recognized them as journalists or not; whether they were professional reporters or "citizen journalists"; whether or not they had a degree in journalism; and whether they reported online or offline. In this context, she reminded the Council that the Human Rights Committee had, in its general comment no. 34, defined journalism as "a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere".³ She also drew the attention to General Assembly resolution 68/163, in which the Assembly acknowledged that journalism was continuously evolving to include inputs from media institutions, private individuals and a range of organizations that seek, receive and impart information and ideas of all kinds, online as well as offline, in the exercise of freedom of opinion and expression, thereby contributing to shape public debate. The High Commissioner therefore urged States to approach the issue under discussion from a human rights perspective, and to protect journalists and other media workers in the broadest sense.

² A/HRC/24/23.

³ CCPR/C/GC/34, para. 44.

10. The High Commissioner highlighted the importance of creating an early warning and rapid response mechanism giving journalists and other media actors immediate access to the appropriate authorities and to protective measures when they are threatened. Such a mechanism should be established in consultation with journalists and other media actors and organizations, and comprise representatives of State bodies dealing with law enforcement and human rights issues, together with representatives of civil society, including journalists and media organizations.

11. Lastly, the High Commissioner emphasized that, most importantly, States must combat impunity. Every act of violence committed against a journalist that was not investigated and went unpunished was an open invitation for further violence; ensuring accountability for attacks against journalists was therefore a key element in preventing future attacks. She warned that failure to do so could be interpreted as tolerance of or acquiescence to violence. The investigation and prosecution of all attacks against journalists through an effective and functioning domestic criminal justice system was therefore considered imperative, as was remedy for victims. The High Commissioner referred to good practices, including the creation of special investigative units or independent mechanisms to carry out investigations, with specialized expertise; specific protocols and methods of investigation and prosecution; and training for law enforcement and military personnel, as well as for prosecutors and the judiciary, regarding their obligations under international human rights law and international humanitarian law, with a focus on the safety of journalists. The High Commissioner encouraged States to examine, reinforce and replicate such initiatives.

III. Contributions of panellists

12. In her introductory remarks, the journalist and panel moderator Ghida Fakhry Khane underscored the importance of the topic of discussion. She referred to the crucial role that journalists played in keeping the public informed and in keeping in check the authorities and institutions that purport to work in the public interest, but also to the high levels of risk, intimidation, harassment and violence that journalists endured. She described journalism as a "risky business" in many parts of the world, and recalled that the purpose of the discussion was to identify good practices in guaranteeing the safety of journalists and ways to ensure their implementation. She hoped that the discussions could lead to specific recommendations on what States, international and regional organizations, but also journalists and media organizations themselves, could do to mitigate the risks for journalists.

13. Frank Smyth, journalist and senior adviser for journalist security at the Committee to Protect Journalists, agreed with the High Commissioner that unequivocal political commitment from States and combating impunity for attacks against journalists were the key requirements. Firstly, he emphasized the importance of using clear language when discussing the safety of journalists. The greatest threat to press freedom, the freedom of expression and the safety of journalists around the world was the problem of unsolved journalist murders. He pointed out that more than two out of three journalists killed since 1992 had not stepped on a landmine or been caught in crossfire or victim of an air strike or a car bomb explosion, but murdered outright in direct reprisal for their reporting. Mr. Smyth recalled that such acts were crimes by any measure, in any context, and in every nation around the world. Nonetheless, impunity reigned in nearly nine out of ten cases. The consistent and alarmingly high rate of impunity for murdering journalists around the globe was cause for great concern, for the impact of killing one journalist with impunity was to effectively silence countless more. Secondly, Mr. Smyth deplored the lack of political will shown by many States in addressing the issue. He referred to the 2014 UNESCO report

World Trends in Freedom of Expression and Media Development, in which it is found that nearly 50 per cent of States failed to even respond to requests by the UNESCO Director-General for voluntary information on the status of judicial inquiries into journalist killings, and called upon States to be more transparent, to share information and to take concrete steps to address impunity. These could consist in appointing special prosecutors and improving the overall functioning of the judicial system.

14. The Deputy Director-General of UNESCO, Getachew Engida, confirmed that impunity was unfortunately “the name of the game”, and that statistics clearly showed that many States had not taken the necessary steps to investigate the killings of journalists. He called the situation unacceptable, since the killing of a journalist amounted to taking oxygen out of the democratic system. He, like Mr. Smyth, regretted the fact that many States did not cooperate with UNESCO in the collection of information regarding judicial inquiries into the killings of journalists, but assured that the organization continued to work with States to persuade them to be more transparent. Although UNESCO, together with OHCHR and other United Nations agencies, had spearheaded the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, it was clear that, without real political commitment from States, the Plan of Action risked remaining on paper only and not translating into tangible results. While noting that there was an international legal framework for the protection of journalists in place, adjustments in the legal system at the national level were needed in many countries. Mr. Engida referred to the silencing of journalists through anti-terrorism or national security laws. He also stressed the need to build capacity of law enforcement officials and the judiciary with respect to the protection of journalists, as well as of journalists to better protect themselves. Looking towards the future, Mr. Engida highlighted that UNESCO was advocating for the post-2015 development agenda to include freedom of expression, the rule of law and good governance as stand-alone goals.

15. The OSCE Representative on Freedom of the Media, Dunja Mijatović, described attacks on journalists and the media, and on freedom of expression in general, as unacceptable. She identified lack of political will as an important issue, and stated that States should be asked why they do not comply with the norms to which they have voluntarily agreed. The international community needed to find a way to engage with such States, to discover how to open doors where they remain closed. Ms. Mijatović also highlighted the importance of continuing to repeat the names of journalists who had been killed, and to avoid referring to them as numbers only. In this context, she remembered Anna Politkovskaya, Elmar Huseynov, Hrant Dink, Milan Pantić, Dada Vujasinović, Slavko Ćuruvija and Duško Jovanović. Ms. Mijatović suggested that other important questions were why journalism was so fiercely attacked, why the truth was being stopped, and why the work of journalists was often regarded as inconvenient. She called upon the international community to condemn with a stronger voice those countries that did not live up to standards, to be bold and courageous and not to be afraid of naming and shaming, because too much diplomacy in the case of murder was unhelpful.

16. According to Abeer Saady, a journalist and Vice-President of the Syndicate of Journalists of Egypt, although defining journalism had become difficult, it was about informing people and allowing them to make enlightened decisions. Ms. Saady referred to statistics gathered by the Committee to Protect Journalists, which suggested that 49 out of the 70 journalists killed in 2013 (and for which the motive was confirmed) were from her region. She advocated for a long-term perspective, and emphasized that an investment in the safety of journalists in the region should not be regarded as an investment in those individuals or even in the profession, but rather as an investment in democratic transformation. She stated that 90 per cent of journalists killed in the region were either shot in the head or tortured before death, and that using a badge to distinguish oneself as a journalist was no longer considered a means of providing protection but rather of increasing

one's vulnerability. Such elements indicated that the much-needed enabling environment in which journalists could play their role freely and without interference was absent in the region. Ms. Saady also highlighted the challenges faced by local journalists, who faced additional and different risks, not the least because their families lived in the country where they worked. Local journalists therefore needed more protection, including by the international media houses that use their services.

17. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stressed that, while all individuals have the same rights and deserve the same protection for the exercise of those rights, some individuals – such as journalists – face specific risks and dangers because of the role they play in society, and should therefore receive special protection. It was the responsibility of the State to ensure this protection, regardless of whether the perpetrator of violence was a State or non-State actor. The Special Rapporteur listed four elements crucial for the safety of journalists. First, there should be political will, which should be expressed by those in a position of leadership. Second, there should be emergency mechanisms able to respond to urgent appeals and to address threats. Third, legal measures should be taken, such as the decriminalization of defamation and the elimination of all forms of censorship. The Special Rapporteur cited as an example the issue of national security or anti-terrorism laws being used to silence journalists investigating corruption or other sensitive matters. Fourth, impunity should be eradicated, including for example through the appointment of a special prosecutor. The Special Rapporteur also emphasized the importance of States taking proactive and preventive measures, such as training of security agencies on managing demonstrations or operating in the context of political or electoral activities, with full respect for the role of journalists while ensuring their safety. Lastly, he suggested that a United Nations declaration on the protection of journalists and the role of journalists, similar to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders), could contribute to universal acceptance of the role and importance of free and critical journalism.

18. Responding to questions from the moderator, Mr. Smyth concurred with Ms. Saady that the overwhelming majority of journalists killed were local journalists, and stated that journalists were killed at a rate of one every 13 days. Mr. Smyth also mentioned that local investigative journalists tended to be on the frontline, indicating that, while in the 1980s they were mainly targeted for their work on human rights abuses, in the 1990s and 2000s it was more for uncovering criminal activities and collusion with corrupt officials. He also emphasized the importance of taking preventive measures, including training of law enforcement agencies and security forces on interacting with journalists.

19. Ms. Saady highlighted the challenges faced by women journalists, referring not only to rape and other forms of sexual violence and harassment, but also to defamation or disgracing, which can be very important in some local or cultural contexts. Ms. Saady deplored the large extent of hate speech and violence used against journalists, as well as the targeting of journalists in the Arab region, of which women journalists often became the first casualties.

20. Mr. Engida stated that it was too early to say whether tangible results had been achieved through the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and that much more needed to be done. This said, the UNESCO Deputy Director-General pointed at some encouraging progress, including in the voices of journalists being heard among law enforcement officials, the acceptance of the need for training, and the amendments made to some unacceptable laws. He listed Nepal, Pakistan and Tunisia as countries where some progress had been made.

21. Ms. Mijatović pointed out that countries often respond to calls to address the issue by requesting more time, arguing that they are different, or that the issue of free speech is very sensitive in their societies. She believed, however, that progress was too slow. The OSCE Representative argued that free media, free speech and the safety of journalists would not come overnight nor naturally, and that once achieved they could not be taken for granted. There was a need to constantly justify, reaffirm and strengthen human rights. She expressed concern, however, that without political will, not much progress could be expected. She planned to continue engaging with Governments, but also believed that, without change in social attitudes to freedoms in general, not much progress was to be expected in free speech, freedom of the media and the safety of journalists.

22. When asked about lessons learned from the Latin American region, the Special Rapporteur replied that the region had not been an exception to high levels of violence against journalists, but that some countries in Latin America had engaged in creative responses. He praised the human rights defenders protection mechanism in Colombia, which had been expanded to include journalists. The mechanism was a tripartite commission in which the Ministry of the Interior (security agencies), journalists and human rights organizations came together to define the dangers and risks faced by journalists and to formulate responses. While every State was free to design its own responses, the Special Rapporteur believed that every State should have a similar emergency response mechanism to protect journalists. He also referred to measures taken in Mexico, such as the appointment of a special prosecutor and the fact that crimes against journalists are now considered federal crimes. These were all ways in which States could fight impunity for crimes against journalists. The Special Rapporteur, however, cautioned again that, without political will, not much could be achieved. States had to be convinced that the freedom of the press was crucial for national security and democracy.

IV. Summary of the discussion

23. During the interactive discussion, delegations from Algeria, Austria, Brazil, China, Colombia, the Czech Republic, Ecuador, Egypt (on behalf of the Arab Group), Estonia, the European Union, France, Greece, India, the International Organisation of la Francophonie, Ireland, Italy, Lithuania, Mexico, Montenegro, Morocco, Pakistan, Poland, Portugal, the Russian Federation (also on behalf of the Collective Security Treaty Organization), Slovenia, Switzerland, Tunisia, the United Kingdom of Great Britain and Northern Ireland and the United States of America took the floor. Statements by Australia, Belgium, Cuba, Iran (Islamic Republic of), Iraq, Norway, Qatar, Serbia and South Africa were not delivered owing to lack of time. Copies of their statements were however distributed in the room and posted on the Human Rights Council extranet.

24. Delegates of the following non-governmental organizations also took the floor: Article 19 – International Centre Against Censorship, the Asian Forum for Human Rights and Development (in collaboration with the Southeast Asian Alliance), the East Horn of Africa Human Rights Defenders Project, the International Federation of Journalists, the International Humanist and Ethical Union and the Press Emblem Campaign.

A. Freedom of expression and the safety of journalists

25. Many speakers stressed the importance of, and linkages between, the freedom of opinion and expression, a free and vibrant media and the safety of journalists. Respect for freedom of expression, free access to information and free, independent and vibrant media were described the cornerstone of any democratic society and considered of crucial

importance for the promotion of human rights, the rule of law and democracy. Journalists were referred to as “the eyes and voices of civil society” who keep Governments in check. Journalists helped to ensure transparency and accountability in the management of public affairs and matters of public interest. Independent journalism was considered instrumental in strengthening the capacity of individuals to participate actively and meaningfully in political, economic, social and cultural life. Media had a role to play in educating the public and raising awareness of important public issues; it was an indispensable tool that fosters public debate. Journalism played a crucial role in mobilizing public opinion and in bringing to light injustices that could otherwise go unnoticed. Delegates called journalists the “vigilant watchdogs of civil liberties” who could give hope to people struggling under undemocratic regimes.

26. Delegations pointed out, however, that it was precisely because of this important role that journalists often and increasingly became victims of threats, attacks or murder. The safety of journalists was considered a fundamental pillar of the right to freedom of opinion and expression and of free and vibrant media. When fear prompts journalists to self-censor, the free flow of information is impaired, and the public is deprived of reliable, critical and independent information. In the absence of such information, propaganda, incitement and corruption prevail. Several speakers described attacks against journalists as attacks not only against the journalist as an individual, but also against the right of all people to seek, receive and impart information. They were also an attack against the freedom of expression and, ultimately, against democracy itself.

27. There was a broad degree of agreement among delegates that it was necessary to protect journalists, and that such protection was a priority. Speakers recalled that States had both a duty to respect and a duty to protect journalists, who should be able to carry out their work unhindered and without fear. Governments were called upon to promote a safe and enabling environment for journalists, online as well as offline, so that they could perform their work independently, without undue interference and without fear of censorship, persecution or prosecution. This required political will, as well as legal and judicial measures, but also the fostering of a culture of respect for the critical role of the media in any democracy.

28. Delegations also pointed out that threats and attacks against journalists and media workers were made not only in the context of armed conflict. Threats and attacks also came from State actors, including security forces, as well as non-State actors, including terrorist groups and criminal organizations. Speakers noted that, regardless of the circumstances, the protection of journalists should be offered in times of both peace and conflict.

29. Ms. Mijatović called it a top priority for Governments not to interfere with freedom of expression and freedom of the media in contravention with internationally agreed human rights standards, to protect against exposure to violence and to investigate violence, which has a chilling effect and gives the green light to further attacks. She added that it was also important to offer psychological support for journalists, bloggers and online activists working in conflict zones.

30. During the discussion, attention was also drawn to the heightened risk faced by women journalists, including that of being subjected to sexual violence, and the corresponding need for a gender-sensitive approach when formulating and implementing policies. Reference was made to the recently published global survey on violence and harassment against women in the news media, by the International Women’s Media Foundation and the International News Safety Institute. Several delegations expressed their support for the safety of women journalists. Mr. Engida also referred States to the 2014 UNESCO report on *World Trends in Freedom of Expression*, which addressed the issue of gender and freedom of expression.

B. Legal framework for the protection of journalists

31. A recurrent issue raised during the discussion was the question of whether the current legal framework was sufficient for ensuring the safety and protection of journalists and media workers. The issue was looked at in terms of both the physical protection against threats and violence and protection against undue interference, including legal or administrative. Most delegations agreed that the international legal framework for the protection of journalists was in place, but highlighted the importance of enhancing the legal framework at the domestic level by bringing it into line with international standards. States, which bear the primary responsibility to protect journalists, were called upon to better implement existing international standards and to learn from good practices in other States.

32. In this context, it was emphasized that the safety of journalists could not be realized without a legal framework, firmly grounded in international human rights law, which afforded robust protection for freedom of opinion and expression. The safety of journalists could not be guaranteed if States did not respect freedom of expression. Many speakers condemned censorship as undermining and threatening democracy; for example, delegations noted that their national constitutions and legislation provided for freedom of expression and freedom of the media, and stressed that any limitation to the freedom of expression – online and offline – must be in strict compliance with the International Covenant on Civil and Political Rights. Several delegations stressed the need to decriminalize defamation and to repeal blasphemy laws. The use of such laws to punish public interest and critical reporting was regarded as legitimizing violence against those speaking out, online and offline.

33. Some delegations stated that, given its critical and public function, journalism must be exercised with a great sense of responsibility, high ethical standards and an awareness of the duty to report fairly, objectively and accurately. Ms. Saady agreed that journalists and media workers had a responsibility, through their ethics and self-regulation, and stated that this was important to maintain the good reputation of journalists. Delegations also stressed that the manipulation of the media by Governments was not acceptable in democratic societies, but also that media professionals themselves should stand against any undue influence. In this regard, one delegation praised the memorandum of representatives of Russian and Ukrainian media organizations on the situation in and around Ukraine, adopted on 19 May 2014 at the office of the OSCE Representative on Freedom of the Media. Several delegations added that an important component contributing to an enabling and stable environment for journalists was media pluralism, in the existence of numerous media providers and the representation of different political, economic, religious and other views in the media.

34. The Special Rapporteur fully concurred that the issue of safety of journalists should not be seen only in terms of assuring their physical safety, but also in the wider context of free media. He stated that mechanisms of censorship and legal harassment need to be removed. Defamation laws were increasingly being used to silence journalists, so it was crucial that defamation be decriminalized. An important role was played by the corporate responsibility of directors and owners of large media houses towards their own workers. Furthermore, concentrations of power and monopolies must be broken, since diversity and plurality of the media were critical. The Special Rapporteur added that privacy and anonymity of journalists were also vital to ensuring press freedom, and proposed that there be an ombudsman or a special rapporteur on press freedom in each country or regional body.

35. Several speakers concurred with the suggestion made by the Special Rapporteur that a United Nations declaration on the role and protection of journalists would be useful. One

delegation also argued that there might be a need for an independent, international mechanism to effectively combat impunity for violence against journalists. Another suggested that there could be a need for a specific international code of action for the protection of foreign journalists from arbitrary actions of authorities in countries where the legal system lacked independence, strength and impartiality. Mr. Engida considered, however, that existing international instruments sufficed to protect journalists. What was missing was action on the ground, political commitment and will. Ms. Mijatović stated that, in the light of the dramatic situation on the ground, it was imperative to act rather than to develop new international conventions. She also referred to the second edition of the OSCE guidebook on safety of journalists, which had just recently been published and included recommendations for Governments.

C. New forms of journalism

36. Several delegates referred to new forms of journalism, in particular those that had emerged with the widespread use of the Internet. Delegations pointed out that the digital age had brought unlimited opportunities for the dissemination of information, but also challenges to media freedom. The emergence of mass communication technologies, social networks and the blogosphere had led to greater vulnerability of the media, including illegal interference in the personal lives and activities of journalists. Such interference was to be condemned and the independence of the traditional and digital media supported.

37. Speakers noted that bloggers, online journalists and citizen journalists played an important role in the promotion of human rights. Threats and attacks against such actors, including through their unlawful or arbitrary detention, were condemned. Delegates stated that the protection of journalists should cover all news providers, both professional and non-professional. One delegation, however, cautioned against the arbitrary expansion of the concept of journalists.

38. Ms. Mijatović argued that there was no need to engage in discussions to redefine the term "journalism" or to determine who was a journalist. Everyone had a right to express themselves freely (a right that comes with limits and responsibilities), and rights were the same online as offline. This being said, she stated that, in many countries, a witch hunt was being conducted against people who engaged online to share information and contribute to the public debate.

D. Political will, accountability and combating impunity

39. Many delegations pointed out that the issue of impunity had time and again been recognized as the biggest obstacle for effectively ensuring the safety of journalists. States were called upon to ensure accountability for threats and attacks against journalists by investigating any allegation, bringing perpetrators to justice in accordance with international human rights standards and providing adequate remedies to the victims. A zero tolerance approach was defended, and some underlined the fact that punishment could make an essential contribution to prevention by deterring potential attackers.

40. Many delegations also concurred with the panellists that, unfortunately, lack of political will to address the issue was a real challenge. Moreover, attacks on journalists were often committed at the State's behest or with its tacit consent. Delegations supported the view of the High Commissioner and the panellists that unequivocal political commitment to ensuring that journalists could carry out their work safely was a critical prerequisite to any system of protection. They noted that international experts regularly

pointed out the broad gap between international standards and their implementation. There was therefore a need for Governments to step up their efforts to close this gap and to abide by their international commitment to respect the fundamental right to press freedom in action, not just in words.

41. The Special Rapporteur recalled that, although States were committed at the international level in the context of the United Nations and regional organizations, internal political will, which was critically important, was often lacking. Commitments at the international level had to translate to action at the national level. Mr. Smyth agreed, and stressed the importance of action by States at the ground level, within their countries. What was needed was not another United Nations instrument, but transparency and political will to act. Mr. Smyth repeated that providing information to UNESCO on steps taken to investigate and prosecute violence against journalists would be a positive first step. Referring to the statistics gathered by the Committee to Protect Journalist, he pointed out that political groups, including terrorists, committed between 30 and 40 per cent of all murders of journalist. In 25 per cent of the cases, however, there was suspected involvement of State actors. Putting in place special protection mechanisms and appointing specialized prosecutors were important measures. The first step, however, was ensuring that Member States were transparent and provided information.

42. The Special Rapporteur also made reference to the United Nations Plan of Action on Safety of Journalists and the Issue of Impunity, under which it was envisaged that information on actions and violations should be brought together in a database and published. While fully aware of the problems that this may raise in terms of privacy and security for journalists, the Special Rapporteur suggested that it should be explored further.

E. Regional and national initiatives

43. Several delegations shared information about the different measures that had been taken at the regional and national levels to promote and protect the right to freedom of opinion and expression, the freedom of the media and the safety of journalists. These measures included legislative initiatives, combating impunity and protection initiatives, as well as public information and awareness-raising efforts.

44. At the regional level, the delegation of the European Union referred to the Human Rights Guidelines on Freedom of Expression Online and Offline, adopted on 12 May 2014, in which the European Union reaffirmed the highest priority to the safety of journalists, and that it would take all appropriate steps to ensure their protection, though preventive measures and by urging effective investigations when violations occur. The delegation of the International Organization of la Francophonie stated that the safety of journalists was a key issue for the organization, a commitment expressed in the Bamako Declaration of 2000 and at the organization's Kinshasa summit in 2012. One of its priorities was putting in place a legal framework that permitted the media to play their role freely. Support missions were conducted to the Member States of the organization. Lastly, the delegate of Switzerland announced that, as current President of OSCE, Switzerland intended to focus on civil society, which included journalists and other media workers, and that it was to organize a meeting to discuss developments regarding the rights, responsibilities and efforts of OSCE with regard to freedom of expression and freedom of the media.

45. With regard to legislative initiatives, many States pointed out that freedom of expression and the right to information were protected by their Constitution, and reported recent or upcoming changes in their laws affecting the safety of journalists. The representative of India, for example, reported that the Constitution of India guaranteed not only freedom of speech and expression but also full Internet freedom. The Information

Technology Act had been amended in 2011, while the Right to Information Act had been passed in 2005 to guarantee free access to information. The representative of Morocco reported that a second series of reforms in the area of press and media would be adopted in order to implement the new Constitution, which enshrined the freedom of thought, opinion and expression in all its forms, guaranteed the right to information and provided that press freedom could not be limited by censorship. Proposed measures included the creation of a national press council. The representative of Algeria stated that a legislative framework was currently being developed for the communications and media sector, in collaboration with media professionals and specialists. The representative of Montenegro stated that insults and libel had been decriminalized, and also pointed out that the decriminalization of defamation was crucial for aligning national laws with international standards and for journalists to carry out their work effectively.

46. With regard to specific measures taken to combat impunity for crimes against journalists, the representative of Mexico stated that a special prosecutor's office had been established for crimes against the freedom of expression. The representative of Colombia stated that a subunit had been established in the Office of the Attorney General for the investigation of crimes against journalists. According to the representative of Brazil, the Government intended to implement the recommendations made in the report issued in March 2013 by the National Human Rights Council working group on the human rights of media professionals, including with regard to the establishment, in partnership with the United Nations, of an observatory on violence against media professionals, managed by a tripartite steering committee composed of civil society members, relevant government entities and the United Nations system. The observatory would register cases of violence against media workers, and include a system to monitor the resolution of such cases and a system of protection. The representative of Pakistan stated that high-powered commissions had been set up in the country to investigate allegations of intimidation and harassment. A steering committee of stakeholders had also been established to implement the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity in the country. As part of its planned reforms, Morocco would create a coordination mechanism between the Ministry of Justice and the National Syndicate of the Moroccan Press, which would be in charge of investigating attacks and cases of restrictions of which journalists are victim. The representative of Montenegro stated that some police officials had been dismissed owing to ineffective investigations of violence against journalists and media outlets.

47. Some delegations also referred to specific protection mechanisms that their countries had set up. The representative of Mexico referred to the national protection mechanism for human rights defenders and journalists, capable of taking specific measures related to prevention, protection and urgent protection. The representative of Colombia stated that a national protection unit for journalists had been established. Italy reported that its Ministry of the Interior had established a central bureau for personal security that was tasked with the protection of journalists and their relatives exposed to danger or threat, potential or actual. It was also noted by delegations that, for protection policies and mechanisms to be effective, they must have the trust, capacity, resources and commitment of the authorities, and be responsive to local needs and challenges.

48. Several delegations also listed their advocacy and awareness-raising initiatives. The representative of the United States of America stated that the Government had raised issues relating to the freedom of the media in its dealings with Governments at all levels, advocated for the release of imprisoned journalists and called for justice when media professionals were killed with impunity. In the United States, an annual press freedom campaign was conducted to coincide with World Press Freedom Day to highlight particular cases of imprisoned journalists. Direct assistance and training was provided to journalists in challenging places, and independent media in closed societies around the world were supported. In 2013, Austria, Poland and Switzerland had organized an international

conference on the safety of journalists, with participants representing OSCE, the Council of Europe, UNESCO and civil society. Specific recommendations on the legal framework, security of investigative journalists and best practices were elaborated. The representative of the Czech Republic stated that, given the importance of media pluralism, the Czech Republic provided yearly financial support for a number of projects, conducted by non-governmental organizations, with the aim of improving journalism standards and the quality of the overall media landscape. According to the representative of France, the State was working with partners to ensure that non-governmental organizations and institutions could reflect together and design practical solutions for improving the safety of journalists. The representative of Poland referred to the Eastern Partnership Journalistic Prize, which had been awarded since 2011 with the support of Foundation of Reporters Poland to send a clear signal that the work of journalists was appreciated and heeded. Ecuador supported an award for responsible journalism, while the International Organization of la Francophonie had created, in partnership with Radio France International and Reporters Without Borders, the francophone prize for press freedom.

F. Importance of partnerships and civil society

49. Delegations considered that collaboration among organizations and authorities at the international, regional and national levels to promote the safety of journalists was of the utmost importance to bring visibility to the issue and to share good practices and lessons learned. No organization could tackle the issue alone. In this context, several delegations also stressed the important role played by civil society. Civil society organizations had exposed, and effectively drawn attention to killings, detention and attacks on journalists and media workers. States should have open lines of communication with civil society and work together, for example in awareness-raising campaigns, the development of protection mechanisms and devising training for law enforcement officials.

50. Mr. Engida concurred, then pointed out that UNESCO was a small organization with a broad mandate, and that partnerships were essential to translate its mandate into practice. Global and regional partnerships were needed between United Nations agencies, Governments and civil society. Ms. Mijatović advocated for more engagement from Governments with civil society, and in particular with organizations that work with journalists. Ms. Saady agreed that civil society, including journalists unions and syndicates, had an important role to play, but pointed out that, in some countries, civil society was constrained in its space to work on these issues.

V. Conclusions

51. Participants in the panel discussion agreed that journalists and media workers play a critical role in any democratic society. Journalists were described as the “eyes and voices of civil society” and the “vigilant watchdogs of civil liberties” who help to keep the public informed and the authorities and institutions that purport to work in the public interest in check.

52. Because of their role, journalists and media workers are often and increasingly victims of threats and attacks, including murder. The safety of journalists and media workers is a fundamental component of the right to freedom of expression, to seek and impart information, and of the freedom of the media. The protection of journalists and media workers is a priority.

53. The digital age has brought unlimited opportunities for the dissemination of information. New forms of journalism and media are emerging. Every individual has the right to freedom of expression within the bounds described in the International Covenant on Civil and Political Rights, and is entitled to protection in the exercise of that right. Rights are the same online as offline. States are encouraged to approach the issue of safety of journalists from a human rights perspective.

54. An unequivocal political commitment to ensuring that journalists can carry out their work safely is a critical prerequisite of any system of protection. States, which bear the primary responsibility to protect journalists, must close the broad gap between international standards and their commitments in international forums, and the actual implementation of those standards domestically.

55. The safety of journalists cannot be realized without a domestic legal framework, firmly grounded on international human rights law, which offers robust protection for freedom of opinion and expression and freedom of the media. Mechanisms of censorship and legal harassment must be removed. Defamation should be decriminalized. National security and anti-terrorism laws should not be used to silence journalists. Concentrations of power and monopolies should be broken, to allow the diversity and plurality of the media.

56. Every State needs a protection mechanism for journalists. Such an early warning and rapid response mechanism should be able to give journalists and other media workers immediate access to the appropriate authorities and to protective measures when they are threatened. Such a mechanism should be established in consultation with journalists and other media actors and organizations, and should comprise representatives from State bodies concerned with law enforcement and human rights, together with representatives of civil society, including journalism and media organizations.

57. Impunity for threats and attacks against journalists and media workers is, together with insufficient political will, the greatest obstacle to ensuring effectively the safety of journalists. Every act of violence committed against a journalist that goes unpunished is an open invitation for further violence. States were called upon to ensure accountability for threats and attacks against journalists and media workers by investigating all allegations, bringing perpetrators to justice and providing adequate remedies to victims, in accordance with international human rights standards. Good practices include the creation of special investigative units or independent commissions, the appointment of a specialized prosecutor, the adoption of specific protocols and methods of investigation and prosecution, and the training of prosecutors and the judiciary on the safety of journalists.

58. States should take proactive and preventive measures, such as by training law enforcement and military personnel on managing demonstrations or operating in the context of political or electoral activities, with full respect for the role of journalists, whose safety was to be ensured.

59. More generally, States should also work to address the root causes of violence against journalists and to create an enabling environment in which journalists and media workers can play their role freely and without interference. States should promote a culture of respect for freedom of expression and the role of independent and critical journalism.

60. States should maintain open lines of communication with civil society organizations, in particular those working with journalists and media workers, in order to identify the best ways of ensuring the protection of journalists. Partnerships

between international, regional, national authorities and civil society organizations were therefore recommended.



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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Summary report on the high-level panel discussion on the identification of good practices in combating female genital mutilation

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

Pursuant to Human Rights Council decision 24/117, on 16 June 2014, a high-level panel discussion was held on the identification of good practices in combating female genital mutilation, the progress made and challenges and obstacles encountered in the effort to combat this practice, as well as of the initiatives undertaken at the national, regional and international levels with a view to its eradication. The discussion, which was opened by the United Nations High Commissioner for Human Rights, also involved representatives of States, non-governmental organizations and national human rights institutions.

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I. Introduction

1. In its decision 24/117, the Human Rights Council decided to organize a high-level panel discussion at its twenty-sixth session on the identification of good practices in combating female genital mutilations so that an exchange of views could be held on the progress made, good practices and challenges and obstacles encountered in the effort to combat this practice, as well as the initiatives undertaken at the national, regional and international levels with a view to its eradication.

2. The high-level panel discussion was held on 16 June 2014. The panel was composed of the First Lady of Burkina Faso, Chantal Compaoré; the President of the Inter-African Committee on traditional practices affecting the health of women and children, Mariam Lamizana; the Coordinator of the United Nations Population Fund (UNFPA)/United Nations Children's Fund (UNICEF) Joint Programme on Female Genital Mutilation/Cutting, Nafissatou J. Diop; the Vice-Chairperson of the Committee on the Rights of the Child, Hiranthi Wijemanne; the Policy Director of the Department for International Development of the United Kingdom, Liz Ditchburn; and the Director of the Department of Reproductive Health Research of the World Health Organization (WHO), Marleen Temmerman. The panel was chaired by Ambassador and Permanent Representative of Togo to the United Nations at Geneva, Nakpa Polo.

3. In its decision 24/117, the Human Rights Council also called upon the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a summary report on the high-level panel discussion. The present report is submitted pursuant to that request.

II. Statement by the United Nations High Commissioner for Human Rights

4. In her opening remarks, the United Nations High Commissioner for Human Rights pointed out that female genital mutilation was a form of gender-based discrimination and violence; a harmful and degrading practice that infringed on the rights of women and girls to physical and mental integrity, the rights to the highest attainable standard of health, including sexual and reproductive health, the right to freedom from torture and other cruel, inhuman and degrading treatment and, when it resulted in death, the right to life. Furthermore, because it was almost always practiced on young children, female genital mutilation was also a violation of the rights of the child.

5. The High Commissioner noted that as many as 30 million girls were at risk of undergoing this practice in the next decade, if current trends persisted. She stated that female genital mutilation had no health benefits and was rather a way to exercise control over women and to perpetuate harmful gender roles. The practice was in fact traditionally considered necessary in order to raise a girl with characteristics of a "proper" wife, given that female genital mutilation was believed to preserve virginity or to restrain sexual desire. The High Commissioner highlighted the fact that economic factors also played a significant role, given that the families of girls who had been mutilated often received a higher bride price.

6. The High Commissioner highlighted some of the steps taken at the national, regional and international levels to combat female genital mutilation, in particular General Assembly resolution 67/146 on intensifying global efforts for the elimination of female genital mutilations, Human Rights Council decision 24/117, by which the Council decided to organize the high-level panel discussion, the work of the Commission on the Status of

Women and regional declarations and protocols. These were encouraging signs of the international community's increased commitment to ending this harmful practice. At the national level, several States had adopted legislation and policies to address female genital mutilation, which had been accompanied by more culturally sensitive education and awareness-raising initiatives.

7. The High Commissioner pointed out that the global prevalence of female genital mutilation had declined by five per cent between 2005 and 2010, and that, based on the current annual decrease of 1 per cent, the target of reducing its prevalence by half would not be achieved until 2074. Sixty years was too long to wait. The High Commissioner therefore called for concerted efforts by national and international stakeholders to address female genital mutilation with urgency, adding that, once freed of the terrible pain and trauma that such practices cause, girls and women were more able to develop their talents and use their skills, and economic, social and political development could surge forward.

III. Panel presentations and discussions

8. Chantal Compaoré stated that, aided by awareness-raising campaigns and dissuasion measures, the prevalence rate for female genital mutilation had declined at varying rates in all countries. Specifically, in Burkina Faso, in the past 20 years, the prevalence rate had declined from 20 per cent for children up to 10 years of age to 13.3 per cent for children up to 14 years. In the light of the success of awareness-raising and publicity campaigns, it was important to continue to support them and for Governments to adopt a zero-tolerance policy of female genital mutilation. Some 130 to 140 million girls and women worldwide had been subjected to female genital mutilation. Ms. Compaoré highlighted some of the root causes of the practice, including cultural and social acceptance of circumcision. In certain settings, the clitoris was considered an unhealthy organ, and its excision was thought to be a way to preserve the virginity of young girls and to ensure fidelity after marriage. Female genital mutilation was therefore a tool for controlling women's sexuality. Girls who were not "cut" were often perceived as carrying a disease. The practice was continued owing to fear of social exclusion and discrimination.

9. In order to combat the practice, it was necessary to establish institutional frameworks. Ms. Compaoré pointed out that, in her three decades of work on the issue, a number of policies had proven to be effective in combating the practice, including such institutional arrangements as committees, associations and adolescent networks, as well as efforts to bring together religious leaders and the introduction of female genital mutilation modules to the educational system. It was ultimately important to ensure support for girls who had already been subjected to genital mutilation in order to restore their sense of dignity. Advocacy through high-level meetings had ensured that female genital mutilation was part of the international agenda.

10. Hiranthi Wijemanne stated that, from the perspective of children's rights, there should be zero tolerance for female genital mutilation, which was a discriminatory practice that almost always targeted girls and denied their rights to freedom from violence and abuse, besides being a violation of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

11. Ms. Wijemanne pointed out that the Committee on the Rights of the Child had advocated for the practice to be abandoned, because it affected the right to health of girls and was often a prerequisite for forced marriage. Unfortunately, there were still gaps in both law and practice. She called for changes in legislation to be accompanied by access to services and legal literacy programmes, the establishment of an enabling environment for laws to be enforced, and a coordinated approach that also addressed the issues of gender

equality and non-discrimination. She expressed concern at the trend towards the medicalization of female genital mutilation, and called upon States to ensure that health officials observed legislation and imposed adequate penalties for those who failed to comply. She recommended the use of confidential reporting mechanisms and education for girls.

12. Mariam Lamizana discussed the role of regional mechanisms in efforts to combat female genital mutilation. She stated that, in addition to communities in the 29 countries with the highest prevalence rates, it was also important to include immigrant populations throughout the world. It was difficult for communities that practiced female genital mutilation to renounce the practice, even when they disagreed with it.

13. Ms. Lamizana stressed that, given that these practices are conducted without regard for borders, there was a need for cross-border and regional approaches, in particular awareness-raising and regional networks of religious leaders. The involvement of young people and communities as well as public statements or ceremonies where "cutters" handed over their knives was also important. She recalled the important role that civil society organizations had played in combating the practice across the world, and in particular in Africa. She recommended that legal provisions be accompanied by implementation monitoring integrated into development policies and regional and international strategies. Lastly, she stated that Governments and communities would benefit from the dissemination and sharing of prior experiences and effective strategies for combating the practice.

14. Liz Ditchburn highlighted the efforts made by the Government of the United Kingdom of Great Britain and Northern Ireland to address female genital mutilation in both British and international forums. The first step was to acknowledge that diaspora communities in the United Kingdom were at risk and to understand their relations with their countries of origin. In the United Kingdom, the Government was currently making efforts to obtain more accurate data on the prevalence of female genital mutilation in the country. Comprehensive action, including prevention, was a fundamental part of combating the practice. A wide range of professionals, including health and child protection officials, should be informed of the risks and provided with guidance and tools to facilitate their work. Also important were legislative frameworks and prosecutions, and appropriate support services for those affected. The media also played a critical role in raising awareness, as was community-led information. She reported that, in the United Kingdom, the mainstream national media were increasingly interested in the issue and had started to raise awareness of this problem, which had inspired non-governmental and civil society organizations to lead the way in combating the practice. At the international level, the Department for International Development was funding international efforts, including the UNFPA/UNICEF Joint Programme. Ms. Ditchburn called for more research into mechanisms and successful strategies for addressing the practice. Lastly, she informed participants that the Government of the United Kingdom together with UNICEF would host a "girls' summit" in London in July 2014. It was hoped that the summit would build on global efforts, in particular the Africa-led efforts, to increase momentum and foster further efforts to end the practice within a generation. Participants in the summit would also discuss the issue of child and forced marriage.

15. Marleen Temmerman stated that female genital mutilation was a violation of the human rights of girls and women, and had serious implications for their health. WHO supported efforts to eradicate the practice through research into prevention and good practices, and promoted cooperation between ministries of health. She cited several examples of good interventions, in countries such as Burkina Faso, Kenya and Egypt. WHO was also working on the development of a clinical atlas to assist in correct identification of female genital mutilation. Ms. Temmerman emphasized the need for a comprehensive response to female genital mutilation and for combining efforts to prevent

the practice, with care and support for women and girls who had already undergone the procedure. In this regard, she highlighted that WHO was developing guidelines for medical staff on different types of genital mutilation and their management, and in particular the management of acute and chronic complications. It was also encouraging the inclusion of female genital mutilation in the curriculum of all health-care service providers.

16. Ms. Temmerman pointed out that, in many contexts, parents put pressure on their doctors to perform genital mutilation on their daughters in order to avoid risks to their health. She stated that 18 per cent of all mutilations were performed by medical practitioners, and that this number was on the increase. It was thus critical to have guidelines that would enable doctors to refuse to perform female genital mutilation by showing that it was a violation of a girl's rights. She recommended that States strengthen monitoring and accountability, routinely collect data on the practice. She also recommended the creation of supportive legislative and regulatory frameworks. Lastly, Ms. Temmerman highlighted the importance of ensuring that legal action was part of a broader set of initiatives that included the empowerment of practising communities to abandon the practice. To this end, there was a need to work with schools, the media and parliaments.

17. Nafissatou J. Diop reported on the work of the UNFPA/UNICEF Joint Programme on Female Genital Mutilation/Cutting, which was launched in 2008 with the goal of accelerating the abandonment of the practice of female genital mutilation and cutting in one generation. The Programme, which was based on human rights and had a cultural-sensitive approach to addressing the issue, had assisted and supported Governments and civil society in 15 countries in addressing female genital mutilation in a coordinated and comprehensive manner. It had succeeded in changing its perception from that of a cultural tradition to one of a harmful practice that violated the rights of the girl concerned. Following intensive education and community dialogue sessions, the Programme encouraged public declarations by communities as a means to express their commitment to abandon female genital mutilation. Ms. Diop gave examples from Kenya and the Sudan. In the case of the latter country, she reported on the *Saleema* programme (subsequently been extended to Somalia and Egypt), which promoted positive values associated with women in their natural God-given form. *Saleema* in Arabic in fact means "whole, healthy in body and mind, unharmed, in a God-given condition and perfect". The first key objective of the initiative was to model and popularize the use of the word *saleema* itself as a positive term to describe uncut girls and women. Other programmes in Ethiopia and Senegal had used community empowerment and dialogue strategies to stimulate a widespread grass-roots discussion on how certain cultural practices did not uphold human rights.

18. The Programme had reached some 12,000 communities and more than 10 million people, who had publically declared that they had abandoned the practice of female genital mutilation. It had supported the enactment and enforcement of laws in Kenya, Uganda and Guinea-Bissau. Moving forward, the international community should continue to strengthen and expand the network of support to end female genital mutilation. Ms. Diop also shared the results of an independent evaluation of the Programme. The evaluators had found that the Programme had been relevant with regard to existing national and international commitments of national Governments to abandon female genital mutilation/cutting in programming countries.

IV. Interventions and responses by representatives of States, non-governmental organizations and national human rights institutions

19. In the ensuing discussion, there was widespread agreement that that female genital mutilation constituted a serious violation of women's and girls' human rights and could not be justified by any cultural or religious reason. It was acknowledged that the practice was a challenging issue to address, because it varied across cultures and countries, and the reasons for practicing it diverse. It did have, however, common underlying factors, in particular gender discrimination and gender stereotypes. Speakers agreed that, as a result of the concerted efforts of several stakeholders, a decrease had been seen in the prevalence of female genital mutilation. It was important to ensure that the practice continue to decrease; for that reason, States had to take steps in accordance with international human rights standards. A number of speakers referred to legislation criminalizing the practice. In addition, it was important to raise awareness of the fact that female genital mutilation was a violation of women's and girls' rights with no health benefits, but rather serious health consequences. Incorporating the issue of female genital mutilation into policies and initiatives to combat gender-based violence was also important to decrease the prevalence of the practice.

20. The role of the media was also particularly important, as was the need for information and educational programmes. Speakers agreed that action should be taken at multiple levels; specifically, efforts should be community based, focused on behavioural change and community action, and involve traditional and religious leaders. The training of "cutters" to engage in other income-generating programmes was also an important strategy that should be pursued.

21. A number of State representatives provided examples of good practices in several areas, including national and regional legislation criminalizing the practice, plans of action, national campaigns that involved community leaders, including migrant communities, as well as efforts to promote access to justice for women and girl victims of female genital mutilation. With regard to resource mobilization and international support, several speakers referred to bilateral support in addition to the financing of programmes by United Nations agencies. Speakers provided examples of good practices in combating the practice among migrant and refugee communities, such as specialized units in the police force, inclusion of the issue of female genital mutilation in family violence programmes, raising awareness in migrant communities, support for specialized organizations, and the adoption of targeted plans of action. The important contribution made by civil society organizations and United Nations agencies and entities in combating the practice was repeatedly highlighted and welcomed by speakers.

V. Concluding remarks

22. In their concluding remarks, the panellists welcomed the consensus among States concerning the need to eliminate female genital mutilation and on the action required to address it.

23. Panellists made several recommendations. At the national level, they recommended a greater focus on education for young people on female genital mutilation; broader dissemination of international human rights instruments; the development of national plans of action based on multi-sectoral approaches; support from communities and local role models in advocacy campaigns; and the involvement of men and boys. Furthermore, it was also important to focus on regional and national

networks to address the practice. Regional research into the effects of campaigns and other initiatives against female genital mutilation was needed. Panellists also proposed that synergies should be established between international and regional organizations to ensure better support for field programmes and to strengthen advocacy, as well as to ensure international support for long-term planning and strategies. It was also recommended that the issue should remain on the political and development agenda, including the post-2015 development agenda, and that the international community should adequately address the needs of the millions of women and girls with new and chronic medical conditions as a consequence of female genital mutilation. Working towards ending the medicalization of the procedure was also recommended. A call was also made for relevant human rights treaty bodies to integrate female genital mutilation into their concluding observations and recommendations to State parties and for the issue to remain on the agenda of the Human Rights Council.

24. The role played by civil society and non-governmental organizations was deemed to be critical. One panellist highlighted the results of an external assessment conducted in 2013 of the 15 countries supported by the UNFPA/UNICEF Joint Programme. National policy and legislation had been adopted in 12 out of the 15 countries, and civil society and community-led interventions had led to public commitments to abandon the practice. Clear changes had taken place in the 15 countries with the support of the Programme. Lastly, panellists expressed their confidence that further progress would be made.



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Annual report of the United Nations High Commissioner
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Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

The right to privacy in the digital age

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

In its resolution 68/167, the General Assembly requested the United Nations High Commissioner for Human Rights to submit a report on the protection and promotion of the right to privacy in the context of domestic and extraterritorial surveillance and/or the interception of digital communications and the collection of personal data, including on a mass scale, to the Human Rights Council at its twenty-seventh session and to the General Assembly at its sixty-ninth session, with views and recommendations, to be considered by Member States. The present report is submitted pursuant to that request. The Office of the High Commissioner will also submit the report to the General Assembly at its sixty-ninth session, pursuant to the request of the Assembly.

* Reissued for technical reasons on 18 July 2014.



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I. Introduction

1. Digital communications technologies, such as the Internet, mobile smartphones and WiFi-enabled devices, have become part of everyday life. By dramatically improving access to information and real-time communication, innovations in communications technology have boosted freedom of expression, facilitated global debate and fostered democratic participation. By amplifying the voices of human rights defenders and providing them with new tools to document and expose abuses, these powerful technologies offer the promise of improved enjoyment of human rights. As contemporary life is played out ever more online, the Internet has become both ubiquitous and increasingly intimate.

2. In the digital era, communications technologies also have enhanced the capacity of Governments, enterprises and individuals to conduct surveillance, interception and data collection. As noted by the Special Rapporteur on the right to freedom of expression and opinion, technological advancements mean that the State's effectiveness in conducting surveillance is no longer limited by scale or duration. Declining costs of technology and data storage have eradicated financial or practical disincentives to conducting surveillance. The State now has a greater capability to conduct simultaneous, invasive, targeted and broad-scale surveillance than ever before.¹ In other words, the technological platforms upon which global political, economic and social life are increasingly reliant are not only vulnerable to mass surveillance, they may actually facilitate it.

3. Deep concerns have been expressed as policies and practices that exploit the vulnerability of digital communications technologies to electronic surveillance and interception in countries across the globe have been exposed. Examples of overt and covert digital surveillance in jurisdictions around the world have proliferated, with governmental mass surveillance emerging as a dangerous habit rather than an exceptional measure. Governments reportedly have threatened to ban the services of telecommunication and wireless equipment companies unless given direct access to communication traffic, tapped fibre-optic cables for surveillance purposes, and required companies systematically to disclose bulk information on customers and employees. Furthermore, some have reportedly made use of surveillance of telecommunications networks to target political opposition members and/or political dissidents. There are reports that authorities in some States routinely record all phone calls and retain them for analysis, while the monitoring by host Governments of communications at global events has been reported. Authorities in one State reportedly require all personal computers sold in the country to be equipped with filtering software that may have other surveillance capabilities. Even non-State groups are now reportedly developing sophisticated digital surveillance capabilities. Mass surveillance technologies are now entering the global market, raising the risk that digital surveillance will escape governmental controls.

4. Concerns have been amplified following revelations in 2013 and 2014 that suggested that, together, the National Security Agency in the United States of America and General Communications Headquarters in the United Kingdom of Great Britain and Northern Ireland have developed technologies allowing access to much global internet traffic, calling records in the United States, individuals' electronic address books and huge volumes of other digital communications content. These technologies have reportedly been deployed through a transnational network comprising strategic intelligence relationships between Governments, regulatory control of private companies and commercial contracts.

¹ A/HRC/23/40, para. 33.

5. Following on the concerns of Member States and other stakeholders at the negative impact of these surveillance practices on human rights, in December 2013 the General Assembly adopted resolution 68/167, without a vote, on the right to privacy in the digital age. In the resolution, which was co-sponsored by 57 Member States, the Assembly affirmed that the rights held by people offline must also be protected online, and called upon all States to respect and protect the right to privacy in digital communication. It further called upon all States to review their procedures, practices and legislation related to communications surveillance, interception and collection of personal data, emphasizing the need for States to ensure the full and effective implementation of their obligations under international human rights law.

6. Also in resolution 68/167, the General Assembly requested the United Nations High Commissioner for Human Rights to submit a report on the protection and promotion of the right to privacy in the context of domestic and extraterritorial surveillance and/or the interception of digital communications and the collection of personal data, including on a mass scale, to the Human Rights Council at its twenty-seventh session and to the General Assembly at its sixty-ninth session, with views and recommendations, to be considered by Member States. The present report is submitted pursuant to that request. As mandated by resolution 68/167, the Office of the High Commissioner (OHCHR) will also submit the report to the Assembly at its sixty-ninth session.

II. Background and methodology

7. Bearing in mind resolution 68/167, OHCHR participated in a number of events and gathered information from a broad range of sources. On 24 February 2014, the High Commissioner delivered a keynote presentation at an expert seminar on "The right to privacy in the digital age", which was co-sponsored by Austria, Brazil, Germany, Liechtenstein, Mexico, Norway and Switzerland, and facilitated by the Geneva Academy on International Humanitarian Law and Human Rights.

8. From November 2013 to March 2014, OHCHR engaged the United Nations University in a research project on the application of international human rights law to national regimes overseeing governmental digital surveillance. OHCHR is grateful to the University, and acknowledges its major substantive contribution to the preparation of the present report through the research project.

9. As part of an open consultation, on 27 February 2014, OHCHR addressed a questionnaire to Member States through their Permanent Missions in Geneva and in New York; international and regional organizations; national human rights institutions; non-governmental organizations; and business entities. In its questionnaire, OHCHR invited inputs on the issues as addressed by the General Assembly in its resolution 68/167. A dedicated OHCHR webpage was created in order to make available the questionnaire and all contributions for public consultation, as well as to provide further opportunity for input. Contributions were received from 29 Member States from all regions, five international and/or regional organizations, three national human rights institutions, 16 non-governmental organizations and two private sector initiatives.²

10. Many of the contributions referred in detail to existing national legislative frameworks and to other measures taken to ensure respect for and protection of the right to privacy in the digital age, as well as to initiatives to establish and implement procedural safeguards and effective oversight. Some contributions referred to challenges encountered

² All contributions are available at www.ohchr.org/EN/Issues/DigitalAge/Pages/DigitalAgeIndex.aspx.

in the implementation of the right to privacy in the digital age, and provided suggestions for initiatives at the international level. They included encouragement to the Human Rights Committee to update its relevant general comments, in particular on article 17 of the International Covenant on Civil and Political Rights; the establishment by the Human Rights Council of a special procedures mandate on the right to privacy; and/or the engagement of existing relevant special procedures mandate holders in joint or individual initiatives to address issues related to the right to privacy in the context of digital surveillance and to provide good-practice guidance.

11. Pursuant to the request made in General Assembly resolution 68/167, the present report offers reflections and recommendations based on an assessment of information available at the time of drafting, drawing also on the wealth of material reflected in the diverse range of contributions received.

III. Issues relating to the right to privacy in the digital age

12. As recalled by the General Assembly in its resolution 68/167, international human rights law provides the universal framework against which any interference in individual privacy rights must be assessed. Article 12 of the Universal Declaration of Human Rights provides that “no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.” The International Covenant on Civil and Political Rights, to date ratified by 167 States, provides in article 17 that “no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation”. It further states that “everyone has the right to the protection of the law against such interference or attacks.”

13. Other international human rights instruments contain similar provisions. Laws at the regional and national levels also reflect the right of all people to respect for their private and family life, home and correspondence or the right to recognition and respect for their dignity, personal integrity or reputation. In other words, there is universal recognition of the fundamental importance, and enduring relevance, of the right to privacy and of the need to ensure that it is safeguarded, in law and in practice.

14. While the mandate for the present report focused on the right to privacy, it should be underscored that other rights also may be affected by mass surveillance, the interception of digital communications and the collection of personal data. These include the rights to freedom of opinion and expression, and to seek, receive and impart information; to freedom of peaceful assembly and association; and to family life – rights all linked closely with the right to privacy and, increasingly, exercised through digital media. Other rights, such as the right to health, may also be affected by digital surveillance practices, for example where an individual refrains from seeking or communicating sensitive health-related information for fear that his or her anonymity may be compromised. There are credible indications to suggest that digital technologies have been used to gather information that has then led to torture and other ill-treatment. Reports also indicate that metadata derived from electronic surveillance have been analysed to identify the location of targets for lethal drone strikes. Such strikes continue to raise grave concerns over compliance with international human rights law and humanitarian law, and accountability for any violations thereof. The linkages between mass surveillance and these other effects on human rights, while beyond the scope of the present report, merit further consideration.

A. The right to protection against arbitrary or unlawful interference with privacy, family, home or correspondence

15. Several contributions highlighted that, when conducted in compliance with the law, including international human rights law, surveillance of electronic communications data can be a necessary and effective measure for legitimate law enforcement or intelligence purposes. Revelations about digital mass surveillance have, however, raised questions around the extent to which such measures are consistent with international legal standards and whether stronger surveillance safeguards are needed to protect against violations of human rights. Specifically, surveillance measures must not arbitrarily or unlawfully interfere with an individual's privacy, family, home or correspondence; Governments must take specific measures to ensure protection of the law against such interference.

16. A review of the various contributions received revealed that addressing these questions requires an assessment of what constitutes interference with privacy in the context of digital communications; of the meaning of "arbitrary and unlawful"; and of whose rights are protected under international human rights law, and where. The sections below address issues that were highlighted in various contributions.

1. Interference with privacy

17. International and regional human rights treaty bodies, courts, commissions and independent experts have all provided relevant guidance with regard to the scope and content of the right to privacy, including the meaning of "interference" with an individual's privacy. In its general comment No. 16, the Human Rights Committee underlined that compliance with article 17 of the International Covenant on Civil and Political Rights required that the integrity and confidentiality of correspondence should be guaranteed *de jure* and *de facto*. "Correspondence should be delivered to the addressee without interception and without being opened or otherwise read".³

18. It has been suggested by some that the conveyance and exchange of personal information via electronic means is part of a conscious compromise through which individuals voluntarily surrender information about themselves and their relationships in return for digital access to goods, services and information. Serious questions arise, however, about the extent to which consumers are truly aware of what data they are sharing, how and with whom, and to what use they will be put. According to one report, "a reality of big data is that once data is collected, it can be very difficult to keep anonymous. While there are promising research efforts underway to obscure personally identifiable information within large data sets, far more advanced efforts are presently in use to re-identify seemingly 'anonymous' data. Collective investment in the capability to fuse data is many times greater than investment in technologies that will enhance privacy." Furthermore, the authors of the report noted that "focusing on controlling the collection and retention of personal data, while important, may no longer be sufficient to protect personal privacy", in part because "big data enables new, non-obvious, unexpectedly powerful uses of data".⁴

19. In a similar vein, it has been suggested that the interception or collection of data about a communication, as opposed to the content of the communication, does not on its

³ *Official Records of the General Assembly, Forty-third Session, Supplement No. 40 (A/43/40), annex VI, para. 8.*

⁴ Executive Office of the President of the United States, "Big Data: Seizing Opportunities, Preserving Values", May 2014 (available from www.whitehouse.gov/sites/default/files/docs/big_data_privacy_report_may_1_2014.pdf), p. 54.

own constitute an interference with privacy. From the perspective of the right to privacy, this distinction is not persuasive. The aggregation of information commonly referred to as “metadata” may give an insight into an individual’s behaviour, social relationships, private preferences and identity that go beyond even that conveyed by accessing the content of a private communication. As the European Union Court of Justice recently observed, communications metadata “taken as a whole may allow very precise conclusions to be drawn concerning the private lives of the persons whose data has been retained.”⁵ Recognition of this evolution has prompted initiatives to reform existing policies and practices to ensure stronger protection of privacy.

20. It follows that any capture of communications data is potentially an interference with privacy and, further, that the collection and retention of communications data amounts to an interference with privacy whether or not those data are subsequently consulted or used. Even the mere possibility of communications information being captured creates an interference with privacy,⁶ with a potential chilling effect on rights, including those to free expression and association. The very existence of a mass surveillance programme thus creates an interference with privacy. The onus would be on the State to demonstrate that such interference is neither arbitrary nor unlawful.

2. What is “arbitrary” or “unlawful”?

21. Interference with an individual’s right to privacy is only permissible under international human rights law if it is neither arbitrary nor unlawful. In its general comment No. 16, the Human Rights Committee explained that the term “unlawful” implied that no interference could take place “except in cases envisaged by the law. Interference authorized by States can only take place on the basis of law, which itself must comply with the provisions, aims and objectives of the Covenant”.⁷ In other words, interference that is permissible under national law may nonetheless be “unlawful” if that national law is in conflict with the provisions of the International Covenant on Civil and Political Rights. The expression “arbitrary interference” can also extend to interference provided for under the law. The introduction of this concept, the Committee explained, “is intended to guarantee that even interference provided for by law should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances”.⁸ The Committee interpreted the concept of reasonableness to indicate that “any interference with privacy must be proportional to the end sought and be necessary in the circumstances of any given case”.⁹

22. Unlike certain other provisions of the Covenant, article 17 does not include an explicit limitations clause. Guidance on the meaning of the qualifying words “arbitrary or unlawful” nonetheless can be drawn from the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights;¹⁰ the practice of the Human Rights Committee as reflected in its general comments, including

⁵ Court of Justice of the European Union, Judgment in Joined Cases C-293/12 and C-594/12, *Digital Rights Ireland and Seitlinger and Others*, Judgment of 8 April 2014, paras. 26-27, and 37. See also Executive Office of the President, “Big Data and Privacy: A Technological Perspective” (available from www.whitehouse.gov/sites/default/files/microsites/ostp/PCAST/pcast_big_data_and_privacy_-_may_2014.pdf), p. 19.

⁶ See European Court of Human Rights, *Weber and Saravia v. Germany*, para. 78; *Malone v. UK*, para. 64.

⁷ *Official Records of the General Assembly* (see footnote 3), para. 3.

⁸ *Ibid.*, para. 4.

⁹ Communication No. 488/1992, *Toonan v. Australia*, para. 8.3; see also communications Nos. 903/1999, para 7.3, and 1482/2006, paras. 10.1 and 10.2.

¹⁰ See E/CN.4/1985/4, annex.

Nos. 16, 27, 29, 34, and 31, findings on individual communications¹¹ and concluding observations;¹² regional and national case law;¹³ and the views of independent experts.¹⁴ In its general comment No. 31 on the nature of the general legal obligation on States parties to the Covenant, for example, the Human Rights Committee provides that States parties must refrain from violation of the rights recognized by the Covenant, and that “any restrictions on any of [those] rights must be permissible under the relevant provisions of the Covenant. Where such restrictions are made, States must demonstrate their necessity and only take such measures as are proportionate to the pursuance of legitimate aims in order to ensure continuous and effective protection of Covenant rights.”¹⁵ The Committee further underscored that “in no case may the restrictions be applied or invoked in a manner that would impair the essence of a Covenant right.”

23. These authoritative sources point to the overarching principles of legality, necessity and proportionality, the importance of which also was highlighted in many of the contributions received. To begin with, any limitation to privacy rights reflected in article 17 must be provided for by law, and the law must be sufficiently accessible, clear and precise so that an individual may look to the law and ascertain who is authorized to conduct data surveillance and under what circumstances. The limitation must be necessary for reaching a legitimate aim, as well as in proportion to the aim and the least intrusive option available.¹⁶ Moreover, the limitation placed on the right (an interference with privacy, for example, for the purposes of protecting national security or the right to life of others) must be shown to have some chance of achieving that goal. The onus is on the authorities seeking to limit the right to show that the limitation is connected to a legitimate aim. Furthermore, any limitation to the right to privacy must not render the essence of the right meaningless and must be consistent with other human rights, including the prohibition of discrimination. Where the limitation does not meet these criteria, the limitation would be unlawful and/or the interference with the right to privacy would be arbitrary.

24. Governments frequently justify digital communications surveillance programmes on the grounds of national security, including the risks posed by terrorism. Several contributions suggested that since digital communications technologies can be, and have been, used by individuals for criminal objectives (including recruitment for and the financing and commission of terrorist acts), the lawful, targeted surveillance of digital communication may constitute a necessary and effective measure for intelligence and/or law enforcement entities when conducted in compliance with international and domestic law. Surveillance on the grounds of national security or for the prevention of terrorism or other crime may be a “legitimate aim” for purposes of an assessment from the viewpoint of article 17 of the Covenant. The degree of interference must, however, be assessed against the necessity of the measure to achieve that aim and the actual benefit it yields towards such a purpose.

25. In assessing the necessity of a measure, the Human Rights Committee, in its general comment No. 27, on article 12 of the International Covenant on Civil and Political Rights, stressed that that “the restrictions must not impair the essence of the right [...] the relation

¹¹ For example, communication No. 903/1999, 2004, *Van Hulst v. The Netherlands*.

¹² CCPR/C/USA/CO/4.

¹³ For example, European Court of Human Rights, *Uzun v. Germany*, 2 September 2010, and *Weber and Soravia v. Germany*, para. 4; and Inter-American Court of Human Rights, *Escher v. Brazil*, Judgment, 20 November 2009.

¹⁴ See A/HRC/13/37 and A/HRC/23/40. See also International Principles on the Application of Human Rights to Communications Surveillance, available from <https://en.necessaryandproportionate.org/text>.

¹⁵ CCPR/C/21/Rev.1/Add. 13, para. 6.

¹⁶ CCPR/C/21/Rev.1/Add.9, paras. 11 – 16. See also A/HRC/14/46, annex, practice 20.

between right and restriction, between norm and exception, must not be reversed.”¹⁷ The Committee further explained that “it is not sufficient that the restrictions serve the permissible purposes; they must also be necessary to protect them.” Moreover, such measures must be proportionate: “the least intrusive instrument amongst those which might achieve the desired result”.¹⁸ Where there is a legitimate aim and appropriate safeguards are in place, a State might be allowed to engage in quite intrusive surveillance; however, the onus is on the Government to demonstrate that interference is both necessary and proportionate to the specific risk being addressed. Mass or “bulk” surveillance programmes may thus be deemed to be arbitrary, even if they serve a legitimate aim and have been adopted on the basis of an accessible legal regime. In other words, it will not be enough that the measures are targeted to find certain needles in a haystack; the proper measure is the impact of the measures on the haystack, relative to the harm threatened; namely, whether the measure is necessary and proportionate.

26. Concerns about whether access to and use of data are tailored to specific legitimate aims also raise questions about the increasing reliance of Governments on private sector actors to retain data “just in case” it is needed for government purposes. Mandatory third-party data retention – a recurring feature of surveillance regimes in many States, where Governments require telephone companies and Internet service providers to store metadata about their customers’ communications and location for subsequent law enforcement and intelligence agency access – appears neither necessary nor proportionate.¹⁹

27. One factor that must be considered in determining proportionality is what is done with bulk data and who may have access to them once collected. Many national frameworks lack “use limitations”, instead allowing the collection of data for one legitimate aim, but subsequent use for others. The absence of effective use limitations has been exacerbated since 11 September 2001, with the line between criminal justice and protection of national security blurring significantly. The resulting sharing of data between law enforcement agencies, intelligence bodies and other State organs risks violating article 17 of the Covenant, because surveillance measures that may be necessary and proportionate for one legitimate aim may not be so for the purposes of another. A review of national practice in government access to third-party data found “when combined with the greater ease with which national security and law enforcement gain access to private-sector data in the first place, the expanding freedom to share that information among agencies and use it for purposes beyond those for which it was collected represents a substantial weakening of traditional data protections.”²⁰ In several States, data-sharing regimes have been struck down by judicial review on such a basis. Others have suggested that such use limitations are a good practice to ensure the effective discharge of a State’s obligations under article 17 of the Covenant,²¹ with meaningful sanctions for their violation.

¹⁷ CCPR/C/21/Rev.1/Add.9, paras. 11 – 16. See also European Court of Human Rights, *Handyside v. the United Kingdom*, para. 48; and *Klass v. Germany*, para. 42.

¹⁸ CCPR/C/21/Rev.1/Add.9, paras. 11 – 16.

¹⁹ See opinion of the Advocate-General Cruz Villalón of the Court of Justice of the European Union in joint cases C-293/12 and C-594/12, which suggests that the Directive 2006/24/EU (on the retention of data generated or processed in connection with the provision of electronic communications services) is “as a whole” in violation of the Charter of Fundamental Rights of the European Union because it fails to impose strict limits on such data retention. See also CCPR/C/USA/CO/4, para. 22.

²⁰ Fred H. Cate, James X. Dempsey and Ira S. Rubinstein, “Systematic government access to private-sector data”, *International Data Privacy Law*, vol. 2, No. 4, 2012, p. 198.

²¹ See A/HRC/14/46, annex, practice 23.

B. Protection of the law

28. Paragraph 2 of article 17 of the International Covenant on Civil and Political Rights explicitly states that everyone has the right to the protection of the law against unlawful or arbitrary interference with their privacy. This implies that any communications surveillance programme must be conducted on the basis of a publicly accessible law, which in turn must comply with the State's own constitutional regime and international human rights law.²² "Accessibility" requires not only that the law is published, but that it is sufficiently precise to enable the affected person to regulate his or her conduct, with foresight of the consequences that a given action may entail. The State must ensure that any interference with the right to privacy, family, home or correspondence is authorized by laws that (a) are publicly accessible; (b) contain provisions that ensure that collection of, access to and use of communications data are tailored to specific legitimate aims; (c) are sufficiently precise, specifying in detail the precise circumstances in which any such interference may be permitted, the procedures for authorizing, the categories of persons who may be placed under surveillance, the limits on the duration of surveillance, and procedures for the use and storage of the data collected; and (d) provide for effective safeguards against abuse.²³

29. Consequently, secret rules and secret interpretations – even secret judicial interpretations – of law do not have the necessary qualities of "law".²⁴ Neither do laws or rules that give the executive authorities, such as security and intelligence services, excessive discretion; the scope and manner of exercise of authoritative discretion granted must be indicated (in the law itself, or in binding, published guidelines) with reasonable clarity. A law that is accessible, but that does not have foreseeable effects, will not be adequate. The secret nature of specific surveillance powers brings with it a greater risk of arbitrary exercise of discretion which, in turn, demands greater precision in the rule governing the exercise of discretion, and additional oversight. Several States also require that the legal framework be established through primary legislation debated in parliament rather than simply subsidiary regulations enacted by the executive – a requirement that helps to ensure that the legal framework is not only accessible to the public concerned after its adoption, but also during its development, in accordance with article 25 of the International Covenant on Civil and Political Rights.²⁵

30. The requirement of accessibility is also relevant when assessing the emerging practice of States to outsource surveillance tasks to others. There is credible information to suggest that some Governments systematically have routed data collection and analytical tasks through jurisdictions with weaker safeguards for privacy. Reportedly, some Governments have operated a transnational network of intelligence agencies through interlocking legal loopholes, involving the coordination of surveillance practice to outflank the protections provided by domestic legal regimes. Such practice arguably fails the test of lawfulness because, as some contributions for the present report pointed out, it makes the operation of the surveillance regime unforeseeable for those affected by it. It may undermine the essence of the right protected by article 17 of the International Covenant on Civil and Political Rights, and would therefore be prohibited by article 5 thereof. States have also failed to take effective measures to protect individuals within their jurisdiction

²² See *ibid.*, annex.

²³ CCPR/C/USA/CO/4, para. 22. See also European Court of Human Rights, *Malone v. the United Kingdom*, No. 8691/79, 2 August 1984, paras. 67 and 68; and *Weber and Saravia v. Germany*, application no. 54934/00, 29 June 2006, in which the Court lists minimum safeguards that should be set out in statute law.

²⁴ See CCPR/C/USA/CO/4, para. 22.

²⁵ See also A/HRC/14/46.

against illegal surveillance practices by other States or business entities, in breach of their own human rights obligations.

C. Who is protected, and where?

31. The extraterritorial application of the International Covenant on Civil and Political Rights to digital surveillance was addressed in several of the contributions received. Whereas it is clear that certain aspects of the recently revealed surveillance programmes, for instance, will trigger the territorial obligations of States conducting surveillance, additional concerns have been expressed in relation to extraterritorial surveillance and the interception of communications.

32. Article 2 of the International Covenant on Civil and Political Rights requires each State party to respect and ensure to all persons within its territory and subject to its jurisdiction the rights recognized in the Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The Human Rights Committee, in its general comment No. 31, affirmed that States parties are required by article 2, paragraph 1, to respect and to ensure the Covenant rights to all persons who may be within their territory and to all persons subject to their jurisdiction. This means that a State party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State Party, even if not situated within the territory of the State Party.²⁶ This extends to persons within their "authority".²⁷

33. The Human Rights Committee has been guided by the principle, as expressed even in its earliest jurisprudence, that a State may not avoid its international human rights obligations by taking action outside its territory that it would be prohibited from taking "at home".²⁸ This position is consonant with the views of the International Court of Justice, which has affirmed that the International Covenant on Civil and Political Rights is applicable in respect of acts done by a State "in the exercise of its jurisdiction outside its own territory",²⁹ as well as articles 31 and 32 of the Vienna Convention on the Law of Treaties. The notions of "power" and "effective control" are indicators of whether a State is exercising "jurisdiction" or governmental powers, the abuse of which human rights protections are intended to constrain. A State cannot avoid its human rights responsibilities simply by refraining from bringing those powers within the bounds of law. To conclude otherwise would not only undermine the universality and essence of the rights protected by international human rights law, but may also create structural incentives for States to outsource surveillance to each other.

34. It follows that digital surveillance therefore may engage a State's human rights obligations if that surveillance involves the State's exercise of power or effective control in

²⁶ CCPR/C/21/Rev.1/Add.13, para. 10.

²⁷ See *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 40 (A/36/40)*, annex XIX, para. 12.2; see also annex XX. See also CCPR/CO/78/ISR, para. 11; CCPR/CO/72/NET, para. 8; CCPR/CO/81/BEL, para. 6; and Inter-American Commission of Human Rights, *Coard et al. v. the United States*, case No. 10.951, Report No. 109/99, 29 September 1999, paras. 37, 39, 41 and 43.

²⁸ See *Official Records of the General Assembly, Thirty-sixth Session* (see footnote 27), annex XIX, paras. 12.2-12.3, and annex XX, para. 10.3.

²⁹ Advisory opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, of 9 July 2004 (A/ES-10/273 and Corr.1), paras. 107-111. See also International Court of Justice, case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, judgment, 2005, p. 168.

relation to digital communications infrastructure, wherever found, for example, through direct tapping or penetration of that infrastructure. Equally, where the State exercises regulatory jurisdiction over a third party that physically controls the data, that State also would have obligations under the Covenant. If a country seeks to assert jurisdiction over the data of private companies as a result of the incorporation of those companies in that country, then human rights protections must be extended to those whose privacy is being interfered with, whether in the country of incorporation or beyond. This holds whether or not such an exercise of jurisdiction is lawful in the first place, or in fact violates another State's sovereignty.

35. This conclusion is equally important in the light of ongoing discussions on whether "foreigners" and "citizens" should have equal access to privacy protections within national security surveillance oversight regimes. Several legal regimes distinguish between the obligations owed to nationals or those within a State's territories, and non-nationals and those outside,³⁰ or otherwise provide foreign or external communications with lower levels of protection. If there is uncertainty around whether data are foreign or domestic, intelligence agencies will often treat the data as foreign (since digital communications regularly pass "off-shore" at some point) and thus allow them to be collected and retained. The result is significantly weaker – or even non-existent – privacy protection for foreigners and non-citizens, as compared with those of citizens.

36. International human rights law is explicit with regard to the principle of non-discrimination. Article 26 of the International Covenant on Civil and Political Rights provides that "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law" and, further, that "in this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." These provisions are to be read together with articles 17, which provides that "no one shall be subjected to arbitrary interference with his privacy" and that "everyone has the right to the protection of the law against such interference or attacks", as well as with article 2, paragraph 1. In this regard, the Human Rights Committee has underscored the importance of "measures to ensure that any interference with the right to privacy complies with the principles of legality, proportionality and necessity regardless of the nationality or location of individuals whose communications are under direct surveillance."³¹

D. Procedural safeguards and effective oversight

37. Article 17, paragraph 2 of the International Covenant on Civil and Political Rights states that everyone has the right to the protection of the law against unlawful or arbitrary interference or attacks. The "protection of the law" must be given life through effective procedural safeguards, including effective, adequately resourced institutional arrangements. It is clear, however, that a lack of effective oversight has contributed to a lack of accountability for arbitrary or unlawful intrusions on the right to privacy in the digital environment. Internal safeguards without independent, external monitoring in particular have proven ineffective against unlawful or arbitrary surveillance methods. While these safeguards may take a variety of forms, the involvement of all branches of government in

³⁰ See for example, in the United States, the Foreign Intelligence Surveillance Act S1881(a); in the United Kingdom, the Regulation of Investigatory Powers Act 2000, s8(4); in New Zealand, the Government Security Bureau Act 2003, s. 15A; in Australia, the Intelligence Services Act S. 9; and in Canada, the National Defence Act, S. 273.64 (1).

³¹ CCPR /C/USA/CO/4, para. 22.

the oversight of surveillance programmes, as well as of an independent civilian oversight agency, is essential to ensure the effective protection of the law.

38. Judicial involvement that meets international standards relating to independence, impartiality and transparency can help to make it more likely that the overall statutory regime will meet the minimum standards that international human rights law requires. At the same time, judicial involvement in oversight should not be viewed as a panacea; in several countries, judicial warranting or review of the digital surveillance activities of intelligence and/or law enforcement agencies have amounted effectively to an exercise in rubber-stamping. Attention is therefore turning increasingly towards mixed models of administrative, judicial and parliamentary oversight, a point highlighted in several contributions for the present report. There is particular interest in the creation of "public interest advocacy" positions within surveillance authorization processes. Given the growing role of third parties, such as Internet service providers, consideration may also need to be given to allowing such parties to participate in the authorization of surveillance measures affecting their interests or allowing them to challenge existing measures. The utility of independent advice, monitoring and/or review to help to ensure strict scrutiny of measures imposed under a statutory surveillance regime has been highlighted positively in relevant jurisprudence. Parliamentary committees also can play an important role; however, they may also lack the independence, resources or willingness to discover abuse, and may be subject to regulatory capture. Jurisprudence at the regional level has emphasized the utility of an entirely independent oversight body, particularly to monitor the execution of approved surveillance measures.³² In 2009, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism suggested, therefore, that "there must be no secret surveillance system that is not under review of an independent oversight body and all interferences must be authorized through an independent body."³³

E. Right to an effective remedy

39. The International Covenant on Civil and Political Rights requires States parties to ensure that victims of violations of the Covenant have an effective remedy. Article 2, paragraph 3 (b) further specifies that States parties to the Covenant undertake "to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy". States must also ensure that the competent authorities enforce such remedies when granted. As the Human Rights Committee emphasized in its general comment No. 31, failure by a State party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant.³⁴ Moreover, cessation of an ongoing violation is an essential element of the right to an effective remedy.

40. Effective remedies for violations of privacy through digital surveillance can thus come in a variety of judicial, legislative or administrative forms. Effective remedies typically share certain characteristics. First, those remedies must be known and accessible to anyone with an arguable claim that their rights have been violated. Notice (that either a general surveillance regime or specific surveillance measures are in place) and standing (to

³² See for example European Court of Human Rights, *Ekimdzhiev v. Bulgaria*, application No. 62540/00, 28 June 2007.

³³ A/HRC/13/37, para. 62.

³⁴ CCPR/C/21/Rev.1/Add. 13, para. 15.

challenge such measures) thus become critical issues in determining access to effective remedy. States take different approaches to notification: while some require post facto notification of surveillance targets, once investigations have concluded, many regimes do not provide for notification. Some may also formally require such notification in criminal cases; however, in practice, this stricture appears to be regularly ignored. There are also variable approaches at the national level to the issue of an individual's standing to bring a judicial challenge. The European Court of Human Rights ruled that, while the existence of a surveillance regime might interfere with privacy, a claim that this created a rights violation was justiciable only where there was a "reasonable likelihood" that a person had actually been subjected to unlawful surveillance.³⁵

41. Second, effective remedies will involve prompt, thorough and impartial investigation of alleged violations. This may be provided through the provision of an "independent oversight body [...] governed by sufficient due process guarantees and judicial oversight, within the limitations permissible in a democratic society."³⁶ Third, for remedies to be effective, they must be capable of ending ongoing violations, for example, through ordering deletion of data or other reparation.³⁷ Such remedial bodies must have "full and unhindered access to all relevant information, the necessary resources and expertise to conduct investigations, and the capacity to issue binding orders".³⁸ Fourth, where human rights violations rise to the level of gross violations, non-judicial remedies will not be adequate, as criminal prosecution will be required.³⁹

IV. What role for business?

42. There is strong evidence of a growing reliance by Governments on the private sector to conduct and facilitate digital surveillance. On every continent, Governments have used both formal legal mechanisms and covert methods to gain access to content, as well as to metadata. This process is increasingly formalized: as telecommunications service provision shifts from the public sector to the private sector, there has been a "delegation of law enforcement and quasi-judicial responsibilities to Internet intermediaries under the guise of 'self-regulation' or 'cooperation'".⁴⁰ The enactment of statutory requirements for companies to make their networks "wiretap-ready" is a particular concern, not least because it creates an environment that facilitates sweeping surveillance measures.

³⁵ See *Esbest v. the United Kingdom*, application No. 18601/91, Commission decision of 2 April 1993; *Redgrave v. the United Kingdom*, application No. 202711/92, Commission decision of 1 September 1993; and *Matthews v. the United Kingdom*, application No. 28576/95, Commission decision of 16 October 1996.

³⁶ "Joint declaration on surveillance programs and their impact on freedom of expression", issued by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, June 2013 (available from www.oas.org/en/iachr/expression/showarticle.asp?artID=927&IID=1), para. 9.

³⁷ See for example European Court of Human Rights, *Segersted-Wibber and others v. Sweden*, application No. 62332/00, 6 June 2006. See also CCPR/C/21/Rev.1/Add. 13, paras. 15-17.

³⁸ A/HRC/14/46.

³⁹ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147, annex).

⁴⁰ See European Digital Rights, "The Slide from 'Self-Regulation' to Corporate Censorship", Brussels, January 2011, available at www.edri.org/files/EDRI_selfreg_final_20110124.pdf.

43. There may be legitimate reasons for a State to require that an information and communications technology company provide user data; however, when a company supplies data or user information to a State in response to a request that contravenes the right to privacy under international law, a company provides mass surveillance technology or equipment to States without adequate safeguards in place or where the information is otherwise used in violation of human rights, that company risks being complicit in or otherwise involved with human rights abuses. The Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, provide a global standard for preventing and addressing adverse effects on human rights linked to business activity. The responsibility to respect human rights applies throughout a company's global operations regardless of where its users are located, and exists independently of whether the State meets its own human rights obligations.

44. Important multi-stakeholder efforts have been made to clarify the application of the Guiding Principles in the communications and information technology sector. Enterprises that provide content or Internet services, or supply the technology and equipment that make digital communications possible, for example, should adopt an explicit policy statement outlining their commitment to respect human rights throughout the company's activities. They should also have in place appropriate due diligence policies to identify, assess, prevent and mitigate any adverse impact. Companies should assess whether and how their terms of service, or their policies for gathering and sharing customer data, may result in an adverse impact on the human rights of their users.

45. Where enterprises are faced with government demands for access to data that do not comply with international human rights standards, they are expected to seek to honour the principles of human rights to the greatest extent possible, and to be able to demonstrate their ongoing efforts to do so. This can mean interpreting government demands as narrowly as possible, seeking clarification from a Government with regard to the scope and legal foundation for the demand, requiring a court order before meeting government requests for data, and communicating transparently with users about risks and compliance with government demands. There are positive examples of industry action in this regard, both by individual enterprises and through multi-stakeholder initiatives.

46. A central part of human rights due diligence as defined by the Guiding Principles is meaningful consultation with affected stakeholders. In the context of information and communications technology companies, this also includes ensuring that users have meaningful transparency about how their data are being gathered, stored, used and potentially shared with others, so that they are able to raise concerns and make informed decisions. The Guiding Principles clarify that, where enterprises identify that they have caused or contributed to an adverse human rights impact, they have a responsibility to ensure remediation by providing remedy directly or cooperating with legitimate remedy processes. To enable remediation at the earliest possible stage, enterprises should establish operational-level grievance mechanisms. Such mechanisms may be particularly important in operating countries where rights are not adequately protected or where access to judicial and non-judicial remedies is lacking. In addition to such elements as compensation and restitution, remedy should include information about which data have been shared with State authorities, and how.

V. Conclusions and recommendations

47. International human rights law provides a clear and universal framework for the promotion and protection of the right to privacy, including in the context of domestic and extraterritorial surveillance, the interception of digital communications and the collection of personal data. Practices in many States have, however, revealed a

lack of adequate national legislation and/or enforcement, weak procedural safeguards, and ineffective oversight, all of which have contributed to a lack of accountability for arbitrary or unlawful interference in the right to privacy.

48. In addressing the significant gaps in implementation of the right to privacy, two observations are warranted. The first is that information relating to domestic and extraterritorial surveillance policies and practices continues to emerge. Inquiries are ongoing with a view to gather information on electronic surveillance and the collection and storage of personal data, as well as to assess its impact on human rights. Courts at the national and regional levels are engaged in examining the legality of electronic surveillance policies and measures. Any assessment of surveillance policies and practices against international human rights law must necessarily be tempered against the evolving nature of the issue. A second and related observation concerns the disturbing lack of governmental transparency associated with surveillance policies, laws and practices, which hinders any effort to assess their coherence with international human rights law and to ensure accountability.

49. Effectively addressing the challenges related to the right to privacy in the context of modern communications technology will require an ongoing, concerted multi-stakeholder engagement. This process should include a dialogue involving all interested stakeholders, including Member States, civil society, scientific and technical communities, the business sector, academics and human rights experts. As communication technologies continue to evolve, leadership will be critical to ensuring that these technologies are used to deliver on their potential towards the improved enjoyment of the human rights enshrined in the international legal framework.

50. Bearing the above observations in mind, there is a clear and pressing need for vigilance in ensuring the compliance of any surveillance policy or practice with international human rights law, including the right to privacy, through the development of effective safeguards against abuses. As an immediate measure, States should review their own national laws, policies and practices to ensure full conformity with international human rights law. Where there are shortcomings, States should take steps to address them, including through the adoption of a clear, precise, accessible, comprehensive and non-discriminatory legislative framework. Steps should be taken to ensure that effective and independent oversight regimes and practices are in place, with attention to the right of victims to an effective remedy.

51. There are a number of important practical challenges to the promotion and protection of the right to privacy in the digital age. Building upon the initial exploration of some of these issues in the present report, there is a need for further discussion and in-depth study of issues relating to the effective protection of the law, procedural safeguards, effective oversight, and remedies. An in-depth analysis of these issues would help to provide further practical guidance, grounded in international human rights law, on the principles of necessity, proportionality and legitimacy in relation to surveillance practices; on measures for effective, independent and impartial oversight; and on remedial measures. Further analysis also would assist business entities in meeting their responsibility to respect human rights, including due diligence and risk management safeguards, as well as on their role in providing effective remedies.



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Agenda items 2 and 5

Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General

Human rights bodies and mechanisms

Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

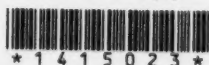
Report of the Secretary-General^{*}

Summary

The present report is submitted pursuant to Human Rights Council resolution 12/2, in which the Council invited the Secretary-General to submit a report to the Council at its fourteenth session, and annually thereafter, in accordance with its programme of work, containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 of the resolution, as well as recommendations on how to address the issues of intimidation and reprisals.

The report contains information gathered from 16 June 2013 to 31 May 2014 and highlights relevant statements and efforts made by various stakeholders in relation to intimidation and reprisals. It contains allegations of reprisals against persons who have cooperated with the United Nations, its representatives and mechanisms in the field of human rights and follow-up information regarding situations mentioned in previous reports. It provides recommendations with a view to addressing and preventing cases of intimidation and reprisal.

^{*} Late submission.



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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 12/2, in which the Council invited the Secretary-General to submit an annual report to the Council on alleged reprisals for cooperation with the United Nations, its representatives and mechanisms in the field of human rights. Since the adoption of that resolution, I have reported on the latest developments within the United Nations system in relation to acts of intimidation and reprisal by States and non-State actors vis-à-vis individuals and groups for their cooperation with the United Nations human rights mechanisms, and alleged cases that cover a wide range of violations, from threats, travel bans and arbitrary detention to torture and, sadly, death. I have repeatedly stated that such acts are unacceptable and undermine the functioning of the United Nations as a whole, including that of its human rights mechanisms.

2. I welcome General Assembly resolution 68/181 of 18 December 2013 on promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders, in which the Assembly called upon States to refrain from, and ensure adequate protection against, any act of intimidation or reprisal against women human rights defenders who cooperate, have cooperated or seek to cooperate with international institutions and reaffirmed the right of everyone to unhindered access to, and communication with, international bodies, in particular the United Nations and its human rights mechanisms.¹ I also welcome General Assembly resolution 68/268 of 9 April 2014 on strengthening and enhancing the effective functioning of the human rights treaty body system, in which the Assembly condemned all acts of intimidation and reprisals against individuals and groups for their contribution to the work of the human rights treaty bodies and urged States to take appropriate action.²

3. In its resolution 24/24 of 27 September 2013 on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, the Human Rights Council urged States to take preventive steps against reprisals, ensure accountability once they had occurred and encouraged States to establish national focal points. It also requested me to designate a United Nations-wide senior focal point on reprisals.³ Consideration of and action on Council resolution 24/24 was deferred by the General Assembly to allow time for further consultations, with the Assembly deciding to conclude its consideration of the resolution before the end of its sixty-eighth session.⁴ On 19 March 2014, at the twenty-fifth session of the Human Rights Council, Botswana made a statement on behalf of 54 countries, stressing the need to address reprisals and expressing the hope that Council resolution 24/24 would be followed through at the General Assembly.⁵ The Council adopted other resolutions addressing the issue of reprisals, including resolution 24/7 on arbitrary detention⁶ and resolution 24/21 on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment.

4. On several occasions during the reporting period, I expressed grave concern about reprisals, including during the high-level segment of the Human Rights Council on 3 March

¹ General Assembly resolution 68/181, paras. 17–18.

² General Assembly resolution 68/268, para. 8.

³ Human Rights Council resolution 24/24, para. 7.

⁴ General Assembly resolution 68/144, paras. 2–3.

⁵ General debate on agenda item 5, statement delivered by Botswana, available from <http://webtv.un.org>.

⁶ Human Rights Council resolution 24/7, para. 10.

2014 and during a panel discussion on the protection of civil society on 11 March 2014. At the latter event, the Deputy High Commissioner for Human Rights and I stressed the fact that civil society is an indispensable partner of the United Nations and indicated that civil society actors must be able to do their work freely, independently and safe from fear, retaliation or intimidation. In his concluding remarks at the end of the twenty-fifth session, the President of the Human Rights Council condemned reprisals and acts of intimidation, emphasizing that all measures must be taken to prevent such unacceptable acts.⁷

5. During the High-Level Event on Supporting Civil Society, on 23 September 2013, the Deputy Secretary-General, on my behalf, expressed concern at the growing pressures and restrictions facing civil society in many countries, including through the introduction of new legislation.⁸ I wish to reiterate the concerns raised in last year's report that new laws and regulations have made the receipt of funds from abroad, including from the United Nations Voluntary Fund for Victims of Torture and the United Nations Voluntary Fund on Contemporary Forms of Slavery, more difficult for some non-governmental organizations (NGOs).⁹ Such difficulties persisted in the period covered by the present report in at least four countries. In some cases, restrictive regulations may prevent civil society representatives accessing United Nations human rights mechanisms.

6. During the 2013 annual meeting of special procedures mandate holders, the Chair of its Coordination Committee reported that several special procedures had raised the subject of reprisals during their interactive dialogues with the Human Rights Council and that he had discussed the issue with several stakeholders, asking them to maintain a strong stance on reprisals.¹⁰ On 10 December 2013, in a joint statement, special procedures mandate holders expressed serious concern at acts of reprisal against anyone cooperating with them and stated that they were looking forward to the designation of the focal point on reprisals.¹¹ The Special Rapporteur on the situation of human rights defenders indicated in her latest report to the Council that during her tenure she had sent out approximately 50 communications on cases of reprisals.¹² In November 2013, the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances issued a joint statement making clear that they were vigilant with respect to any form of intimidation and reprisals and welcoming the decision of the Council to request the Secretary-General to designate a United Nations-wide senior focal point.¹³

7. On 16 December 2013, the Committee against Torture set out a procedure for reacting to alleged reprisals on the basis of article 13 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹⁴ At its fifth session, in November 2013, the Committee on Enforced Disappearances appointed a rapporteur on reprisals¹⁵ and issued a document on the relationship of the Committee with civil society actors, which refers to reprisals.¹⁶

8. The Committee on Non-Governmental Organizations considers applications for consultative status with the Economic and Social Council. At its resumed session, in May 2014, the Committee had before it 343 applications for consultative status, including

⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR) press release, 28 March 2014.

⁸ United Nations press release, 23 September 2013 (SG/SM/15314).

⁹ A/HRC/24/29, para. 12.

¹⁰ A/HRC/24/55, para. 15.

¹¹ OHCHR press release, 10 December 2013.

¹² A/HRC/25/55, para. 42.

¹³ A/69/56, annex VI.

¹⁴ CAT/C/51/3.

¹⁵ A/69/56, para. 10 (f).

¹⁶ CED/C/3, paras. 25–26.

applications deferred from earlier sessions. The Committee recommended 158 NGOs for consultative status, deferred consideration of the applications of 153 others until its regular session in 2015, closed consideration of 29 applications without prejudice and took note of the withdrawal of the applications of two NGOs.¹⁷ Consultative status confers access to the United Nations and many of its mechanisms and several stakeholders have raised concerns about the large number of deferrals and perceived lack of transparency in decisions on consultative status. I note how important it is that the Committee applies the criteria for assessing NGOs in a transparent and fair manner.

9. I reiterate my view that a consistent approach by all regional and international human rights bodies vis-à-vis reprisals and intimidation is essential. In this context, I welcome the adoption of resolution 273 by the African Commission on Human and Peoples' Rights at its fifty-fifth session, held from 28 April to 12 May 2014, in which it decided to extend the scope of the mandate of the Special Rapporteur on human rights defenders in Africa to include issues relating to reprisals against human rights defenders cooperating with the African human rights system.

II. Information received on cases of reprisal for cooperation with the United Nations, its representatives and mechanisms in the field of human rights

A. Methodological framework

10. In accordance with Human Rights Council resolution 12/2, the present report contains information regarding acts of intimidation or reprisal against those who:

- Seek to cooperate, or have cooperated with, the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them
- Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for that purpose
- Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for that purpose
- Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims

11. The present report covers the period from 16 June 2013 to 31 May 2014. The information received has been verified with the primary sources and corroborated by other sources. In most cases, reference is made to the public United Nations documentation in which the information included in the present report was first published. Follow-up information, including relevant correspondence, is included on those cases in which victims of intimidation or reprisals for cooperation with the United Nations, its representatives and mechanisms in the field of human rights were mentioned in my previous two reports.

12. It should be stressed that the cases included in the present report are only the tip of the iceberg. In line with the principle of do no harm, some cases have not been included

¹⁷ E/2014/32 (Part II).

because of concern that the alleged victims might be subjected to further acts of harassment, intimidation or reprisal if their complaints were published.

13. Information has been received about acts of intimidation and reprisals following cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), including its field presences, the Human Rights Council, special procedures, human rights treaty bodies, the universal periodic review mechanism, the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, the Independent International Commission of Inquiry on the Syrian Arab Republic and human rights components of United Nations peace missions.

B. Summary of cases

1. Algeria

14. On 28 June 2013, three special rapporteurs raised allegations of acts of intimidation and reprisals against Yahia Bounouar, an independent journalist and President of the Algerian Observatory for Human Rights, for documenting and submitting information on human rights violations against human rights defenders, bloggers and trade unionists to several special procedures.¹⁸ On 23 May 2013, following his coverage of the In Amenas hostage crisis, Mr. Bounouar, who had been under surveillance since the establishment of the Observatory in July 2012, was reportedly detained for several hours by State security officials at Constantine airport without being informed of the reason. At the time of finalization of the present report, no reply had been received from the Government.

2. Cameroon

15. Several members of the Mbororo Social and Cultural Development Association were allegedly subjected to reprisals following the submission of their report to the United Nations in relation to the second universal periodic review of Cameroon.¹⁹ On 1 July 2012, an assassination attempt against Mr. Jeidoh Duni, legal representative of the Association, was reported. After they had acted as witnesses in the investigation of that incident, Mr. Duni and five other members of the Association, Adamou Isa, Sali Haman, Dahiru Beloumi, Njawga Duni and Musa Usman Ndamba, were summoned to appear before the military tribunal of Bafoussam on 23 April 2013, for illegal possession of firearms. On 10 May 2013, Mr. Ndamba, Vice-President of the Association, appeared before the Court of First Instance in Bamenda on the charge of spreading false information. His trial was first adjourned to 27 May 2013, then to 19 August 2013. At the time of finalization of the present report, no reply had been received from the Government to the joint communication sent on 4 September 2013 by five special procedures mandate holders.

16. Reports were received by special procedures of the murder of a human rights defender and a journalist, and intimidation and reprisals against several others defending the rights of lesbian, gay, bisexual, transgender and intersex people, in relation to their participation in the second universal periodic review of Cameroon. On 5 July 2013, the Director of the Cameroonian Foundation for AIDS, who had contributed to the report of Human Rights Watch that had addressed recommendations to the second review of Cameroon, was found dead at his home in Yaoundé. Although the police opened an investigation, no crime scene investigation or autopsy had reportedly been carried out. Subsequently, three colleagues of the deceased were detained in relation to the investigation. In the month preceding the murder, a series of burglaries and arson attacks

¹⁸ A/HRC/25/74, case DZA 3/2013.

¹⁹ A/HRC/25/74, case CMR 4/2013.

had been reported on buildings of persons and organizations working with the Foundation on lesbian, gay, bisexual, transgender and intersex rights, including Alternatives-Cameroun.²⁰ At the time of finalization of the present report, no reply had been received from the Government to the joint communication sent on 13 August 2013 by a group of special procedures mandate holders.

3. China

17. From mid-July 2013 onward, four joint urgent appeals were sent and two press releases issued by several United Nations human rights experts regarding Cao Shunli, a prominent Chinese human rights lawyer who had been campaigning for transparency and greater participation of civil society in the universal periodic review of China.²¹ Since December 2008, a group of human rights activists, including Ms. Cao, Chen Jianfang and Peng Lanlan, had been requesting the Chinese authorities to allow their participation in the preparation of the national report of China for its first and later its second universal periodic review. Ms. Peng was detained in August 2012 and charged with obstructing official business on 8 June 2013. On 18 June 2013, approximately 150 activists demanding civil society participation in the review process started a sit-in outside the Ministry of Foreign Affairs. On 1 July 2013, the police detained many of the protestors. On 14 September 2013, while boarding a flight to Geneva to attend a training session on United Nations human rights mechanisms, Ms. Cao was reportedly stopped and transferred to an unknown location by security agents. A number of other human rights activists and lawyers from several Chinese cities were reportedly interrogated and warned in connection with the training programme. They included Ms. Chen, who was stopped from boarding a flight to Geneva at Baiyun International Airport.

18. On 21 October 2013, five weeks after she was first taken into custody and one day before the consideration of China by the Working Group on the Universal Periodic Review, the authorities confirmed that Ms. Cao had been detained at Chaoyang District Detention Centre. Ms. Cao's health deteriorated progressively. Medication for her liver condition was reportedly taken away and a medical examination, conducted at the request of her lawyer on 18 November 2013, confirmed that she had tuberculosis in her lungs, liver effusion and uterine myomas and cysts. Her lawyer applied for medical parole several times, which was reportedly orally denied by officials of the detention centre. Ms. Cao died on 14 March 2014.²² At the time of finalization of the present report, the Government of China had replied to three communications, sent on 23 September 2013, 7 January 2014 and 24 January 2014 respectively, indicating that careful investigations into those cases had shown that the information contained in the communications was not consistent with the facts.²³

19. On 5 May 2014, several special procedures mandate holders raised the case of Ge Zhihui.²⁴ In early 2014, Ms. Ge, a petitioner assisting other petitioners in seeking justice for the demolition of their homes, participated in a training course outside China on United Nations human rights mechanisms. After her return, on 1 March 2014, Ms. Ge was arrested at her home in Beijing by agents of the Fengtai District Public Security Bureau, detained at Fengtai District Detention Centre and allegedly subjected to ill-treatment and torture, which led to her being hospitalized on two occasions. Although she had been charged with, *inter alia*, creating a disturbance, the interrogations in detention reportedly focused on Ms. Ge's

²⁰ A/HRC/25/74, case CMR 3/2013.

²¹ A/HRC/25/74, cases CHN 6/2013, CHN 11/2013 and CHN 13/2013; A/HRC/27/72, case CHN 2/2014; and OHCHR press releases of 16 October 2013 and 18 March 2014.

²² Daily press briefing by the Office of the Spokesperson for the Secretary-General, 19 March 2014.

²³ A/HRC/25/74, cases CHN 6/2013, CHN 11/2013 and CHN 13/2013.

²⁴ A/HRC/27/72, case CHN 6/2014.

visit to Ms. Cao in hospital and her participation in the training course. At the time of finalization of the present report, no reply had been received from the Government to the joint communication sent.

20. On 18 March 2014, Ti-Anna Wang, the daughter of Wang Bingzhang, founder of the overseas Chinese Democratic Movement and imprisoned since July 2002, testified under agenda item 4 of the twenty-fifth session of the Human Rights Council on the situation of human rights in China in general, and on the detention of her father specifically. The following day, prior to the scheduled adoption of the second universal periodic review report of China, an individual wearing a badge of the China Association for Preservation and Development of Tibetan Culture took photographs of Ms. Wang, her computer screen and belongings. United Nations security officers escorted the individual from the room where the Council session was taking place. The individual's ground pass was subsequently withheld for the rest of the session.²⁵ At the time of finalization of the present report, no reply had been received from the Government to a joint communication sent by several special procedures mandate holders.

4. Cuba

21. During the fifty-fifth session of the Committee on the Elimination of Discrimination against Women, Laritza Diversent and Yaremis Flores, two representatives of the NGO Cubalex, were reportedly subjected to harassment, intimidation and reprisals. As they arrived at Geneva airport on 7 July 2013, an individual, later identified as a staff member of the Permanent Mission of the Republic of Cuba to the United Nations Office at Geneva and other international organizations in Switzerland, took pictures of them without permission, telling them that he knew who they were. The following day, during a private NGO briefing, members of NGOs allegedly linked to the Government of Cuba harassed and insulted Ms. Diversent and Mr. Flores. The same individual who had photographed them at the airport took pictures of them during the Committee's informal public NGO briefing, saying, among other things, "I know what they are doing". The Chair of the Committee and four special rapporteurs drew attention to those events in separate letters,²⁶ to which the Government of Cuba replied on 29 July 2013 and 19 August 2013 respectively. In its reply to the special rapporteurs, the Government provided detailed information on the case and rejected the allegations.²⁷

5. Democratic People's Republic of Korea

22. The work of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea was hampered as a result of fear of reprisals against anyone cooperating with the Commission, or their relatives still residing in the country. The fear of reprisals was experienced by alleged victims, experts on the situation in the Democratic People's Republic of Korea, aid workers, journalists and diplomats. As a result, the Commission heard publicly only from alleged victims and witnesses who had no close family left in the country and were otherwise deemed not to be at too high a risk.²⁸ The Democratic People's Republic of Korea, via its official news agency, described the testimonies before the Commission as "slander" against the Democratic People's Republic of Korea, put forward by "human scum".²⁹

²⁵ A/HRC/27/72, case CHN 4/2014.

²⁶ A/HRC/25/74, case CUB 4/2013.

²⁷ Ibid.

²⁸ A/HRC/25/63, para. 19, and A/HRC/25/CRP.1, paras. 34, 51, 53, 58 and 59.

²⁹ Oral update by the Chair of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, twenty-fourth session of the Human Rights Council, Geneva, 16 September 2013.

6. Egypt

23. On 24 December 2013, several special procedures mandate holders raised allegations of intimidation and reprisals by Egyptian State security forces against representatives of the Egyptian Centre for Economic and Social Rights, in the form of a raid and arrests, for their cooperation with the Committee on Economic, Social and Cultural Rights and the universal periodic review of Egypt.³⁰ On 18 December 2013, around midnight, more than 60 police officers and security agents reportedly raided the offices of the Centre, holding staff at gunpoint. After damaging equipment and confiscating several laptops, officers arrested and blindfolded Mostafa Eissa, Head of the Documentaries Unit, Mahmoud Bilal, a lawyer at the Centre, Mohamed Adel, a volunteer, and three other staff members. The following morning, all of them, except Mr. Adel, were released and their property returned to them. It is alleged that during their detention, the men were blindfolded and handcuffed, were forced to stand and were beaten. On 22 December 2013, Mr. Adel was sentenced to three years' imprisonment and a fine of 50,000 Egyptian pounds (approximately US\$ 7,000), allegedly in relation to his participation in a peaceful protest on 26 November 2013. A reply to the allegations was received on 14 March 2014, in which the Government indicated that the legal measures taken by the security forces in connection with the arrest of Mr. Adel had no connection with the Centre or its managers.³¹

24. On 16 September 2013, three special rapporteurs raised allegations of reprisals against Ahmed Mefreh Ali Elsaedy, country representative in Egypt of Alkarama, tasked with gathering information about alleged human rights violations in the country for submission to the United Nations human rights mechanisms.³² On 1 September 2013, an arrest warrant was reportedly issued against Mr. Elsaedy, accusing him of being a member of an armed organization. On 6, 7 and 8 September 2013, officers of the State Security Investigation Service and the Central Security Forces reportedly visited Mr. Elsaedy's house, intimidated his wife and young son, and searched the property. At the time of finalization of the present report, no reply had been received from the Government.

7. Israel

25. Issa Amro, founder of Youth Against Settlements and winner of the 2010 OHCHR Human Rights Defender of the Year in Palestine award, delivered two statements to the Human Rights Council at its twenty-third session, on 10 June 2013, and participated in a side event entitled "Human rights in Palestine" on 11 June 2013. On 8 July 2013, after his return to the country, Israeli soldiers confiscated Mr. Amro's passport and transferred him to the Israeli military police station in Hebron, where he was beaten until he collapsed, threatened with death and left handcuffed and lying on a stretcher for several hours before being taken to hospital. Mr. Amro was summoned to appear at the police station the next day and interrogated for several hours. On 25 July 2013, at least 12 Israeli soldiers allegedly invaded the Youth Against Settlements centre and harassed the persons present. The following day, Mr. Amro and three others were shot at in front of the centre and two days later several olive trees in the vicinity of the centre were set on fire.³³ At the time of finalization of the present report, no reply had been received from the Government to a joint communication sent on 2 August 2013 by a group of special procedures mandate holders.

³⁰ A/HRC/26/21, case EGY 19/2013.

³¹ Ibid.

³² A/HRC/25/74, case EGY 14/2013.

³³ A/HRC/25/74, case ISR 7/2013.

8. Kenya

26. In early July 2013, police officers requested over 20 families of persons who had disappeared in the context of a joint operation by the military and police known as "Okoa Maisha" against the Sabot Land Defence Force in March and April 2008, in the Mount Elgon District of Kenya, to report to the police station. The police allegedly questioned the families about their engagement with United Nations human rights mechanisms in Geneva, and compelled them to sign written statements, the contents of which they were not allowed to read. On 5 July 2013, a local NGO issued a press release calling for investigations into the reported harassment and for protection of the families. Subsequently, several members of the NGO were subjected to harassment by and threats from the police. Some of the military personnel who were allegedly responsible for the disappearances were reported to have been redeployed to the area, causing families of victims to feel intimidated. Following those events, at least 28 families reportedly left their houses for fear of reprisals.³⁴ At the time of finalization of the present report, no reply had been received from the Government of Kenya to a joint communication sent on 31 July 2013 by a group of special procedures mandate holders.

27. On 17 September 2013, in Bungoma in the Western Province of Kenya, Peter Wanyama Wanyonyi, a human rights lawyer, was shot dead by unknown gunmen as he was returning home from a meeting. Mr. Wanyonyi had reportedly been assisting with documenting the above-mentioned cases of enforced disappearance, a number of which were transmitted to the Working Group on Enforced or Involuntary Disappearances.³⁵ At the time of finalization of the present report, no reply had been received from the Government to a joint communication sent on 26 September 2013 by a group of special procedures mandate holders.

9. Malaysia

28. On 22 January 2014, four special procedures mandate holders raised allegations of reprisals against the Coalition of Malaysian Non-Governmental Organizations (COMANGO), which had made submissions for the universal periodic review of Malaysia.³⁶ Following the launch of an online forum entitled "Facing the threat of liberalism and Shi'ites" on 2 October 2013, COMANGO began to receive threats daily, including from government officials. In November 2013, Ikatan Muslimin Malaysia allegedly distributed 70,000 leaflets on the "masterminds" behind COMANGO which included their images, and announced that it would launch a nationwide campaign against them. On 20 November 2013, the Minister for Islamic Affairs stated in an opening speech at the Forum on Universal Fundamental Rights that human rights as espoused by the Universal Declaration of Human Rights might cause discordance in the society. On 8 January 2014, the Ministry of Home Affairs issued a press statement declaring COMANGO illegal. The United Nations High Commissioner for Human Rights, through her spokesperson, expressed concern about what "appears to be an act of reprisal"³⁷ and called upon the Government to ensure that civil society can conduct its legitimate activities without intimidation or harassment. At the time of finalization of the present report, no reply had been received from the Government.

³⁴ A/HRC/25/74, case KEN 3/2013.

³⁵ A/HRC/25/74, case KEN 5/2013.

³⁶ A/HRC/26/21, case MYS 1/2014.

³⁷ OHCHR press briefing notes on South Sudan, Malaysia and Myanmar, 10 January 2014.

10. Pakistan

29. Following a meeting with the Working Group on Enforced or Involuntary Disappearances during its visit to Pakistan in September 2012, Nasrullah Baloch, Chair of Voice for Baloch Missing Persons, and his Vice-Chair, received threats from one or several unknown individuals. When they attempted to register a First Information Report with the police, the station house officer reportedly refused to act. After families of disappeared persons had launched a march from Quetta to Islamabad to raise awareness about enforced disappearances on 27 October 2013, two of Mr. Baloch's brothers were reportedly beaten and warned by personnel of State intelligence agencies that he should stop his activities. In March 2014, after attending a hearing at the Supreme Court in Islamabad, Mr. Baloch was also threatened by personnel of State intelligence agencies. The Government acknowledged receipt of a joint communication sent by seven special procedures mandate holders by letter dated 4 April 2014.³⁸

11. Saudi Arabia

30. In my previous reports, I voiced concern over alleged reprisals against members of the Saudi Association for Civil and Political Rights.³⁹ On 22 May 2013, Fawzan Mohsen Awad Al-Harbi, a prominent member of the Association, who had contributed to the submission of cases of arbitrary detention, torture and ill-treatment to the United Nations human rights mechanisms, was reportedly stopped by airport authorities from boarding a flight to Geneva to attend a human rights conference. In July 2013, Mr. Al-Harbi was asked to sign a pledge to terminate the Association, which he refused to do. On 26 December 2013, Mr. Al-Harbi was arrested and detained at the Al Malaz prison in Riyadh and charged with, among other things, co-founding an unlicensed organization and ignoring judicial decisions ordering its dissolution.⁴⁰ At the time of finalization of the present report, no reply had been received from the Government to a joint communication sent on 3 February 2014 by several special procedures mandate holders.

12. Sri Lanka

31. At the end of her visit to Sri Lanka in August 2013, the United Nations High Commissioner for Human Rights expressed concern at allegations of harassment and intimidation against a number of individuals linked with her visit and urged the Government of Sri Lanka to issue immediate orders to end that treatment.⁴¹ In her report to the Human Rights Council at its twenty-fifth session, to which the Government submitted an extensive reply,⁴² the High Commissioner indicated that reports continued to be received of widespread harassment and intimidation targeting human rights defenders, activists, lawyers and journalists for having cooperated with the High Commissioner and her office during her visit to the country.⁴³ At the same session, the Council adopted resolution 25/1 on promoting reconciliation, accountability and human rights in Sri Lanka, in which it expressed serious concern at the continuing reports of reprisals.

32. On 10 February 2014, allegations of intimidation and reprisals, including death threats, were raised concerning members of the National Fisheries Solidarity Movement, including in connection with the visit of the High Commissioner. On 7 March 2013, Jude Besil Sosai Anthirai was prevented from travelling to Colombo to the United Nations

³⁸ A/HRC/27/72, case PAK-4/2014.

³⁹ A/HRC/24/29, paras. 32 and 42.

⁴⁰ A/HRC/26/21, case SAU 1/2014.

⁴¹ OHCHR press release, 31 August 2013.

⁴² A/HRC/25/G/9.

⁴³ A/HRC/25/23, para. 21.

compound, where he wished to submit a petition. On 22 August 2013, Sanja Sandanadas was questioned at her home by officers from the Criminal Investigation Department about her work and told not to organize any event during the visit of the High Commissioner. On 3 September 2013, Selvakumar Krishnapillai was questioned several times by two men about a petition presented to the High Commissioner; two days later he was asked to report to the Ministry of Defence.⁴⁴ At the time of finalization of the present report, no reply had been received from the Government to a joint communication sent by several special procedures mandate holders.

33. On 21 March 2014, a group of special procedures mandate holders sent a joint communication regarding allegations that, on 6 March 2014, in its English news bulletin, the State-controlled Sri Lanka Rupavahini (TV) Corporation accused 24 civil society organizations of having issued a joint civil society memorandum to the Human Rights Council and the international community, while broadcasting the full names and images of the leaders of nine of those organizations and the names of affiliated civil society organizations. In the same bulletin, the Corporation allegedly also accused the mentioned organizations of having submitted false information to the international community to discredit the country, claimed that their memorandum would damage the peace and reconciliation prevailing in the country among various ethnic groups and regions and stated that it was common among NGOs to exaggerate information about the situation in Sri Lanka in order to receive funding.⁴⁵ At the time of finalization of the present report, no reply had been received from the Government.

34. Visuvalingam Kirupaharan, General Secretary of the Tamil Centre for Human Rights, was reportedly threatened during the twenty-fifth session of the Human Rights Council. On 21 March 2014, Mr. Kirupaharan participated in a side event on human rights in Sri Lanka, organized by the International Buddhist Foundation. After the event, a journalist, reportedly from the Sri Lankan newspaper *Divaina*, approached Mr. Kirupaharan, stating that he could not return to Sri Lanka and that he would face consequences if he did so. The journalist allegedly told Mr. Kirupaharan that photographs of him at the Council would be published in newspapers in Sri Lanka.⁴⁶ At the time of finalization of this report, no reply had been received from the Government to a joint communication sent on 27 March 2014 by three special procedures mandate holders.

13. Syrian Arab Republic

35. On 28 June 2013, several special procedures mandate holders raised allegations of reprisals against Khalil Matouk, Director of the Syrian Centre for Legal Studies, and Mohammed Thatha, a member of the same Centre.⁴⁷ Mr. Matouk had submitted information to special procedures on cases of grave human rights violations, including one relating to a number of individuals arrested during a raid on the offices of the Syrian Centre for Media and Freedom of Expression (see para. 44 below). Mr. Matouk and Mr. Thatha were reportedly arrested on 2 October 2012. Contrary to official statements, Mr. Matouk has reportedly been kept in incommunicado detention at an Air Force Intelligence branch since March 2013 and his health has deteriorated. Mr. Thatha reportedly remains detained. On 31 March 2014, a reply to the joint communication sent by the special procedures mandate holders was received from the Government, which did not refer to the cases of Mr. Matouk and Mr. Thatha.⁴⁸

⁴⁴ A/HRC/26/21, case LKA 2/2014.

⁴⁵ A/HRC/27/72, case LKA 4/2014.

⁴⁶ A/HRC/27/72, case LKA 5/2014.

⁴⁷ A/HRC/25/74, case SYR 3/2013.

⁴⁸ A/HRC/27/72, case SYR 3/2013..

14. Tajikistan

36. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment received information on allegations of reprisals committed against individuals who met with him or otherwise cooperated with him during and after his visit to the country in May 2012, despite an agreement he had concluded with the Government that such acts were unacceptable. During his follow-up visit to the country in February 2014, he urged the Government to take all necessary measures to prevent acts of intimidation and reprisal against anyone who sought to cooperate or had cooperated with his mandate, and stated that he expected no allegations to be received by the mandate after his follow-up visit.⁴⁹

15. United Arab Emirates

37. Osama Al-Najjar is an activist and blogger, and son of Mr. Hossain Al-Najjar, who was tried in a case referred to as "UAE 94" mentioned in my previous report.⁵⁰ The Working Group on Arbitrary Detention recently adopted opinion 60/2013 on UAE 94 (see para. 45 below). Mr. Al-Najjar met with the Special Rapporteur on the independence of judges and lawyers during her visit to the country between 28 January and 5 February 2014. On 17 March 2014, the day after Mr. Al-Najjar had allegedly expressed criticism via Twitter in relation to the broadcasting of a radio interview with the Ruler of the Sharjah Emirate, he was taken by a dozen men and transferred to a secret detention centre controlled by State security services. It is alleged that he was interrogated and tortured for four days and that a request by the detention centre's doctor to transfer him to hospital because of severe bleeding was denied. On 21 March 2014, Mr. Al-Najjar was reportedly transferred to Al-Wathba prison in Abu Dhabi and charged with, *inter alia*, spreading false information.⁵¹ In a response received on 13 May 2014 to a joint communication sent on 16 April 2014 by several special procedures mandate holders, the Government requested a two-week extension to allow the competent authorities to complete their full investigation into the case. However, at the time of finalization of the present report, no further response had been received.⁵²

38. On 20 June 2013, a group of special procedures mandate holders raised allegations of acts of intimidation and reprisal against Ahmed Mansoor, a blogger and member of the Human Rights Watch Middle East and North Africa Advisory Committee, following his participation by means of a video statement in a side event during the second universal periodic review of the United Arab Emirates.⁵³ Mr. Mansoor was reportedly prevented from attending the second review of the United Arab Emirates in person as his passport had been confiscated by the authorities. He has allegedly been under surveillance, his e-mail account has been accessed without authorization and he was physically attacked twice, including on the day his video statement was shown at the side event. At the time of finalization of the present report, no reply had been received from the Government.

16. Viet Nam

39. On 19 May 2014, four special procedures mandate holders raised allegations of acts of intimidation and reprisal against Le Cong Cau, head of the Buddhist Youth Movement.⁵⁴

⁴⁹ OHCHR press release, 12 February 2014, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14245&LangID=E.

⁵⁰ A/HRC/24/29, para. 39.

⁵¹ A/HRC/27/72, case ARE 3/2014.

⁵² *Ibid.*

⁵³ A/HRC/25/74, case ARE 3/2013.

⁵⁴ A/HRC/27/72, case VNM 7/2014.

Mr. Cau had participated by means of an audio message at a side event called "Banned civil society voices" on 4 February 2014, before the universal periodic review of Viet Nam had taken place. Mr. Cau had been under surveillance since March 2013 and had been detained on 1 January 2014 on suspicion of carrying terrorist materials as he was boarding a plane for Ho Chi Minh City and placed under house arrest. Although he had reportedly been told orally that he could travel freely within the country, Mr. Cau was rearrested on 16 February 2014 and taken to Truong An district police station, where he was interrogated about his audio message at the side event. On 14 April 2014, Mr. Cau was informed by an official of the Thua Thien-Hue police that he would remain under house arrest for the duration of the investigation of his case. At the time of finalization of the present report, no reply had been received from the Government.

40. Pham Chi Dung, a journalist, writer and independent analyst, was reportedly prevented from travelling to Geneva to participate in a side event convened on 4 February 2014 in connection with the universal periodic review of Viet Nam. On 30 January 2014, Mr. Dung was visited at his home by three officers of the People's Security Forces, who expressed concern about his scheduled trip to Geneva. Mr. Dung was invited to appear at the Ho Chi Minh Police Department on 1 February 2014, which he declined to do. As he checked in for his flight to Geneva at Ho Chi Minh International Airport on 1 February 2014, Mr. Dung was stopped by two security officers, who confiscated his mobile phone and passport, and informed him that he was barred from leaving the country. Approximately one hour later, Mr. Dung was allowed to return home, but his passport was not returned.⁵⁵ A reply to a joint communication sent on 31 March 2014 by three special procedures mandate holders was received on 11 July 2014 from the Government, in which it stated that the allegations were inaccurate and that preventing Mr. Dung from boarding the flight to Geneva did not relate to his legal human rights activities.⁵⁶

C. Follow-up information on cases included in previous reports

1. India

41. The case of Teesta Setalvad, Secretary of Citizens for Justice and Peace, which provides legal support to the victims of the Gulbarg Society massacre, was mentioned in the 2011 report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights.⁵⁷ A reply was received on 27 July 2011, in which the Government stated that it had examined the matter and it would be inappropriate to comment since the matter was sub judice.⁵⁸ On 4 January 2014, officials from the Gujarat Crime Branch reportedly filed a First Information Report against Ms. Setalvad and Javed Anand, editor of the magazine *Communalism Combat*, allegedly for embezzlement of a large sum of money provided for the construction of the Gulbarg Society massacre memorial. They were subsequently charged with several offences including criminal conspiracy. On 10 January 2014, Ms. Setalvad and Mr. Anand were reportedly granted interim bail by the Bombay High Court, which observed that Ms. Setalvad had been falsely implicated in the past. The hearing was reportedly adjourned to 23 April 2014.⁵⁹ At the time of finalization of the present report, no reply had been received from the Government to a joint communication sent on 11 April 2014 by three special procedures mandate holders.

⁵⁵ A/HRC/27/72, case VNM 5/2014.

⁵⁶ Ibid.

⁵⁷ A/HRC/18/19, paras. 42-47.

⁵⁸ A/HRC/18/51, case IND 5/2011.

⁵⁹ A/HRC/27/72, case IND 3/2014.

2. Morocco

42. Ali Aarrass, whose case was mentioned in my previous report,⁶⁰ has reportedly continued to be subjected to acts of intimidation and reprisal. After his prison cell had been searched and his personal correspondence confiscated, Mr. Aarrass announced in an open letter of 15 July 2013 that he was going on an indefinite hunger strike in protest at his treatment in prison. Mr. Aarrass was told by the prison director that he could make his life impossible, and was denied access to the courtyard, e-mail, telephone and the shower. On 25 July 2013, Mr. Aarrass reportedly intensified his hunger strike by refusing water, causing his health condition to deteriorate.⁶¹ The Government responded to the joint communication sent by special procedures by a letter dated 4 September 2013, in which it gave a detailed overview of all the steps taken by the authorities in the case.⁶² On 19 May 2014, during its fifty-second session, the Committee against Torture adopted a final decision on the case of Mr. Aarrass, in which it decided that Morocco was in violation of article 2, paragraph 1, and articles 11, 12, 13 and 15 of the Convention against Torture and Other, Cruel, Inhuman or Degrading Treatment or Punishment.⁶³

3. Russian Federation

43. As noted in my previous report,⁶⁴ several United Nations human rights experts have expressed concern at the law on non-governmental organizations which carry functions of foreign agents", adopted in November 2012.⁶⁵ Particular concern was raised by the Committee against Torture at allegations of reprisals against the Anti-Discrimination Centre Memorial and the Public Verdict Foundation via that law. On 23 December 2013, the Committee expressed grave concern after a Russian court ordered Memorial to register as a "foreign agent", allegedly owing to its political activities and foreign funding.⁶⁶ Replies to letters by the special procedures and the Committee were received on 9 August 2013 and 19 February 2014 respectively. In them, the Government indicated that the "activities of Russian law enforcement authorities ... are carried out in strict accordance with existing legal norms and have nothing to do with 'reprisals'", and that Russian legislation did not establish any legislative or administrative barriers restricting activities of non-commercial organizations. The Special Rapporteur on the situation of human rights defenders, in her report of 3 March 2014,⁶⁷ reiterated serious concern about the use of that law to target and intimidate human rights organizations which had engaged with the United Nations, its mechanisms and representatives in the field of human rights, in particular about the acts of reprisals against the Public Verdict Foundation and the Anti-Discrimination Centre Memorial.

4. Syrian Arab Republic

44. In my previous report reference was made to criminal charges brought against, and the incommunicado detention, torture and ill-treatment of, Mazen Darwish, Director of the Syrian Centre for Media and Freedom of Expression, and Hussein Hammad Ghrer, Hani Al-Zaitani, Abdelrahman Alhamade and Mansour Al-Omari.⁶⁸ Messrs. Alhamade and Al-Omari have reportedly been released pending trial, but Messrs. Darwish, Ghrer and Al-

⁶⁰ A/HRC/24/29, para. 27.

⁶¹ A/HRC/25/74, case MAR 2/2013.

⁶² Ibid.

⁶³ CAT/C/52/D/477/2011, annex, para. 11.

⁶⁴ A/HRC/24/29, paras. 29–31.

⁶⁵ A/HRC/26/21, case RUS 13/2013.

⁶⁶ OHCHR press release, 23 December 2013.

⁶⁷ A/HRC/25/55/Add.3, para. 364.

⁶⁸ A/HRC/24/29, paras. 33–34.

Zaitani remain in detention.⁶⁹ A reply from the Government to a joint communication sent by special procedures was received on 31 March 2014. It indicated that Messrs. Darwish, Ghrer and Al-Zaitani had been arrested on 16 February 2012 on the basis of suspicious activities and that, on 14 November 2012, they had been referred to the competent judicial authority.⁷⁰ On 14 January 2014, the Working Group on Arbitrary Detention issued opinion 43/2013, in which it declared the detention of Messrs. Darwish, Al-Zaitani and Ghrer arbitrary and called for their release.⁷¹

5. United Arab Emirates

45. As a follow-up to the UAE 94 case, relating to a group of 94 civil society activists calling for change in a peaceful manner in March 2013 who were subsequently arrested and detained, Waleed al-Shehhi, a member of the legal team of UAE 94 during their trial, was arrested on 11 May 2013 in relation to remarks made on social media about irregularities in the UAE 94 trial.⁷² On 2 July 2013, 69 of the 94 defendants were sentenced to long prison sentences for plotting to overthrow the State and 25 were acquitted.⁷³ A reply to the joint communication sent by special procedures was received on 20 November 2013, in which the Government indicated that the allegations were highly inaccurate and misleading.⁷⁴ In opinion No. 60/2013, the Working Group on Arbitrary Detention found the detention of 61 individuals of UAE 94 arbitrary and called for their release.⁷⁵ Reportedly, following beatings by prison guards of Mohamed al-Mansoori, one of the UAE 94, 18 of the 69 individuals went on hunger strike between August 2013 and October 2013 to protest about their conditions of detention.⁷⁶

6. Venezuela (Bolivarian Republic of)

46. Concern has been raised in my previous reports at the situation of Judge Maria Lourdes Afiuni.⁷⁷ In its latest report, the Working Group on Arbitrary Detention expressed concern at the continued detention under house arrest of Judge Afiuni, who was arrested in 2009 for ordering the conditional release of Eligio Cedeño, after the Working Group had declared his detention arbitrary in opinion No. 10/2009.⁷⁸ The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, in his report on observations and communications transmitted to Governments and replies received, stated that no investigation into the reports of torture of Judge Afiuni had taken place, and reiterated that the Government must ensure the investigation and prosecution of the alleged perpetrators.⁷⁹

III. Conclusions and recommendations

47. I continue to receive allegations of reprisals and intimidation against individuals and groups cooperating with the United Nations, its representatives and mechanisms in the field of human rights, and against their families and legal

⁶⁹ A/HRC/25/74, case SYR 3/2013.

⁷⁰ Ibid.

⁷¹ A/HRC/WGAD/2013/43, paras. 39–42.

⁷² A/HRC/25/74, case ARE 5/2013.

⁷³ A/HRC/25/74, case ARE 4/2013.

⁷⁴ Ibid.

⁷⁵ A/HRC/WGAD/2013/60, paras. 26–28.

⁷⁶ A/HRC/25/74, case ARE 4/2013.

⁷⁷ A/HRC/24/29, paras. 46–48.

⁷⁸ A/HRC/27/48, para. 26.

⁷⁹ A/HRC/25/60/Add.2.

representatives. I remain deeply concerned about those acts, which range from threats, harassment, smear campaigns, fines, travel bans, the forced closure of organizations, arbitrary arrests, prosecution and lengthy prison sentences to torture and, sadly, death.

48. I reiterate my firm position that any act of intimidation or reprisal against individuals or groups, or anyone linked to them, for cooperating with the United Nations, its representatives and mechanisms in the field of human rights is unacceptable and must be stopped. We must collectively denounce reprisals, defend the right to cooperate freely with the United Nations and protect those targeted. I recall my speech at the Human Rights Council panel on the protection of civil society space: "the space for civil society is a reflection of an entire society's respect for human rights within its own borders and indeed around the globe".

49. I welcome steps taken to address cases of reprisal in a coherent and systematic manner at the national, regional and international levels, including through the adoption of Human Rights Council resolution 24/24. In that resolution, the Council reaffirmed the right of everyone to unhindered access to, and communication with, international bodies, and requested that a United Nations-wide senior focal point on issues related to reprisals be designated to engage with all stakeholders and encourage a prompt, effective and unified response. I echo the High Commissioner's statement at the opening of the twenty-fifth session of the Council and commend the fact that the Council adopted a forward-looking resolution on reprisals and ask for your support to ensure that it is followed through at the General Assembly.

50. It is primarily the obligation of States to protect those who cooperate with the United Nations, its representatives and mechanisms in the field of human rights and to ensure that they may do so safely and without hindrance. I call on States to take action at the national level:

(a) To prevent and refrain from all acts of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

(b) To take all appropriate measures to prevent the occurrence of intimidation or reprisals, including, where necessary, by adopting and implementing specific legislation and policies, and by issuing appropriate guidance to national authorities in order to protect effectively those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal;

(c) To ensure accountability for any acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights by ensuring impartial, prompt and thorough investigations of any alleged acts of intimidation or reprisal in order to bring the perpetrators to justice; provide access to effective remedies for victims in accordance with the international human rights obligations and commitments of States; and prevent any recurrence;

(d) To consider the establishment of a national focal point to address acts of intimidation and reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

(e) To provide information, as appropriate, to the Human Rights Council on all measures taken to prevent and address acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its

representatives and mechanisms in the field of human rights, including on cases mentioned in the present report.

51. The United Nations Secretariat stands ready to provide technical support to efforts by Member States to implement the aforementioned recommendations, in particular recommendation 50 (d).

52. I also call on all parts of the United Nations, its representatives and mechanisms in the field of human rights:

(a) To seek and facilitate engagement with all stakeholders, in particular States and civil society, in relation to acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

(b) To provide a coordinated and consistent response to all cases of intimidation and reprisal brought to the attention of the United Nations, its representatives and mechanisms in the field of human rights.

53. I encourage all stakeholders, including international and regional organizations, Member States, national human rights institutions, civil society and academic institutions, to continue to contribute to the future consideration of this issue by the Human Rights Council and the United Nations as a whole.

**General Assembly**

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Human Rights Council

Twenty-seventh session

Agenda items 2 and 8

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Follow-up to and implementation of the Vienna Declaration
and Programme of Action**

**National institutions for the promotion and protection
of human rights****Report of the Secretary-General*****Summary*

The present report is submitted pursuant to Human Rights Council resolution 23/17, in which the Council requested the Secretary-General to report on the implementation of that resolution. The report, which covers the period from April 2013 to August 2014, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to establish and strengthen national human rights institutions, cooperation between those institutions and the international human rights system, and support provided by OHCHR to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and relevant regional networks. The report should be read in conjunction with the report of the Secretary-General on the activities of the International Coordinating Committee in accrediting national institutions in compliance with the Paris Principles (A/HRC/27/40).

* All references to Kosovo in the present report, whether to the territory, institutions or population, are to be construed in the context of Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

** The annexes to the present report are circulated as received, in the language of submission only.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 23/17, in which the Council requested the Secretary-General to report to the Human Rights Council at its twenty-seventh session on the implementation of that resolution. The report outlines progress achieved since the previous relevant report of the Secretary-General (A/HRC/23/27) and during the period from April 2013 to August 2014. It should be read in conjunction with the report of the Secretary-General to the Council on the activities of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (hereafter the International Coordinating Committee) in accrediting national institutions in compliance with the Principles relating to the Status of National Institutions (the Paris Principles) (A/HRC/27/40).

2. In resolution 23/17, the Human Rights Council recognized the important role of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in assisting the development of independent and effective national human rights institutions in accordance with the Paris Principles. It also recognized the potential for strengthened and complementary cooperation among OHCHR, the International Coordinating Committee, regional coordinating committees of national institutions and the national institutions themselves. The Council also emphasized the role of independent national institutions for the promotion and protection of human rights in working together with their Governments to ensure full respect for human rights at the national level, including by contributing as appropriate to actions following up on the recommendations of international human rights mechanisms.

3. The Council encouraged the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions in accordance with the Paris Principles.

II. Office of the United Nations High Commissioner for Human Rights and national human rights institutions

A. Advisory services

4. OHCHR activities to establish and/or strengthen national human rights institutions are coordinated by the National Institutions and Regional Mechanisms Section. Together with OHCHR field presences, and in collaboration with other United Nations entities, in particular the United Nations Development Programme (UNDP), and with regional networks of national human rights institutions, OHCHR assists Governments in establishing national human rights institutions and/or contributes to building the capacity of such institutions. In that context, OHCHR works closely with regional intergovernmental organizations, academic institutions, civil society organizations and other stakeholders.

5. OHCHR provides national human rights institutions and other stakeholders with technical and legal assistance, particularly regarding constitutional and legislative frameworks relating to the establishment, nature, functions, powers and responsibilities of institutions. OHCHR also conducts and supports comparative analyses, technical cooperation projects, needs assessments and evaluation missions to establish and strengthen the capacity of national human rights institutions to discharge their mandate effectively.

6. During the period under review, OHCHR provided advice and/or assistance on the strengthening of human rights institutions in Azerbaijan, Bahrain, Bangladesh, Burkina Faso, Chad, Comoros, Côte d'Ivoire, Ecuador, Egypt, El Salvador, Guatemala, Indonesia, Iraq, Kenya, Kosovo, the Kyrgyz Republic, Libya, Maldives, Mali, Mauritania, Mongolia, Morocco, Mozambique, Myanmar, Nepal, New Zealand, Niger, Oman, the State of Palestine, Panama, the Philippines, the Russian Federation, Samoa, Senegal, Sierra Leone, Somaliland (Somalia), Sri Lanka, the Sudan, Swaziland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Uruguay, Vanuatu and Zimbabwe.

7. OHCHR also provided assistance to activities aimed at the establishment of national human rights institutions in Benin, Botswana, the Democratic Republic of the Congo, Djibouti, the Gambia, Guinea, Guinea-Bissau, Madagascar, Norway, and, also, the establishment of such an institution in the self-declared autonomous Puntland region of Somalia.

1. Africa

8. During the period under review, the OHCHR regional offices for Central, East, Southern and West Africa, the OHCHR country offices in Guinea, Togo and Uganda, the human rights advisers to the United Nations country teams in Chad, Kenya, Madagascar and Niger, and the human rights components of the United Nations missions in Côte d'Ivoire, the Democratic Republic of the Congo, Guinea-Bissau, Mali, Somalia and Sudan continued to provide advice and assistance, in consultation with the National Institutions and Regional Mechanisms Section of OHCHR, for the establishment and/or strengthening of national human rights institutions in Africa.

Legal advice

9. In August 2013, OHCHR provided legal advice on a draft law for the establishment of a national human rights institution in the Gambia, which was validated at a national workshop. In June 2014, OHCHR provided additional comments on the draft law with a view to removing shortcomings and aligning the text with the Paris Principles.

10. In October 2013, OHCHR provided legal advice on the draft legislation establishing a national human rights institution in Djibouti, which, as of June 2014, was awaiting adoption by the National Assembly.

11. OHCHR provided comments on the bill for the establishment of a human rights institution in Puntland, Somalia, as stipulated in the provisional constitution of Somalia. As of June 2014, the bill was before the Parliament of Puntland, pending broader consultations. In April 2014, OHCHR organized a round-table consultation in Garowe, Puntland, with 14 international partners to discuss the way forward in establishing a human rights institution.

12. In Sao Tome and Principe, in April 2014, OHCHR, together with UNDP and the Ministry of Justice, organized a workshop on the Paris Principles and the establishment of a national human rights institution and recruited a consultant to assist the Government in drafting the legislation.

13. OHCHR also provided legal advice on draft amendments to the enabling law of the human rights institution of Guinea-Bissau, particularly relating to the independence of the institution, in line with the Paris Principles.

Capacity-building activities

14. In 2013, OHCHR and the Uganda Human Rights Commission pursued the implementation of their joint workplan and carried out activities to build the capacity of the Commission's staff, mainly with regard to witness and victim protection and human-rights-

related monitoring, investigation and reporting. Joint activities were also conducted in the areas of transitional justice, due process and fair trial in the courts martial system, and the creation of a database for universal periodic review (UPR), treaty body and special procedure recommendations.

15. In April 2014, OHCHR conducted induction training for the newly appointed commissioners and staff of the Somaliland human rights institution.

16. In May 2013, OHCHR and the Sierra Leone Human Rights Commission organized forums on human rights and justice for the judicial sector to discuss obstacles in the administration of justice.

17. As a result of technical and financial support provided to the Government of Togo and to the National Human Rights Commission, a draft law to amend the organic law concerning the Commission was validated in a workshop organized in June 2013 by the Ministry of Human Rights in cooperation with OHCHR. OHCHR assisted in the drafting of a workplan for the Commission that includes enhancing human rights awareness among the public and strengthening the Commission's consultative role and its capacity to promote and protect the rights of persons belonging to vulnerable groups.

18. In June 2013, OHCHR provided technical support for the organization of a capacity-building workshop for the Comoros National Commission for Human Rights and Freedoms and other national actors prior to the UPR of Comoros, held in February 2014. Based on the information and experiences shared at the workshop, the National Commission was able to participate actively in the UPR process.

19. OHCHR advocacy efforts, in collaboration with the United Nations Operation in Côte d'Ivoire, resulted in the establishment of the National Human Rights Commission of Côte d'Ivoire in May 2013. OHCHR facilitated several capacity-building programmes, including induction training and a workshop on the UPR process, for the Commission's members and staff in September 2013.

20. In Niger, following the swearing-in of the members of the National Human Rights Commission in May 2013, OHCHR contributed to induction training held in September 2013. OHCHR is also providing advice and expertise for the development of the Commission's institutional infrastructure and its four-year strategic plan of action.

21. In November 2013, OHCHR and the African Union/United Nations Hybrid operation in Darfur provided financial support for the participation of the National Human Rights Commission of Sudan in a regional consultation in Kampala on strengthening the protection mandate of national human rights institutions in East Africa. The Commission also received technical support and other assistance for the development of its strategic plan.

22. In Botswana, in December 2013, OHCHR, in cooperation with UNDP, conducted an assessment mission for the establishment of a national human rights institution and provided technical advice to the Ministry of Defence, Justice and Security.

23. In December 2013, OHCHR provided technical and financial support for a workshop that validated a draft law to reform the Senegalese Human Rights Committee.

24. In December 2013, OHCHR and UNDP organized a training programme for the commissioners of the National Human Rights Commission of Mozambique and key partners in the Government that showcased practical examples of the role of national human rights institutions as national preventive mechanisms. Together with UNDP, OHCHR held discussions with the Commission with a view to developing a human rights monitoring training programme for commissioners and compiling a manual for monitoring places of detention.

25. OHCHR provided support and technical assistance to the National Human Rights Commission of Mali to implement the recommendations made by the International Coordinating Committee when it accredited the Commission with B status in March 2012. In March 2014, with a view to transforming the Commission into a full-fledged national human rights institution, OHCHR facilitated discussions among national stakeholders on the Paris Principles and best practices, which were followed by the drafting of the necessary amendments to the enabling legislation.

26. In April 2014, OHCHR, together with UNDP, held a training workshop on handling of complaints for members of the Zimbabwe Human Rights Commission.

27. In Swaziland, OHCHR conducted a needs assessment of the national human rights institution in May 2014, together with the Network of African National Human Rights Institutions and the Commonwealth Secretariat. Discussions were held with the Government on draft legislation for the institution, which has been functioning without an enabling law.

28. In May 2014, OHCHR participated as a facilitator in the induction training programme for the newly appointed commissioners of the Kenya National Commission on Human Rights.

29. In Burkina Faso, an induction training programme was held in July 2014 for the new commissioners of the National Human Rights Commission with the aim of developing a strategic plan and internal guidelines for the Commission.

30. In compliance with the constitutional requirement that a national human rights institution be established within six months of the installation of the new National Assembly, Guinea initiated a process for the adoption of an enabling law for a national human rights institution. Since the swearing-in of the National Assembly in early 2014, OHCHR has been assisting the Government in that process.

31. As a result of advocacy and technical assistance by OHCHR, the decree on the appointment of the members of the Benin Human Rights Commission and its effective establishment was signed by the President on 6 May 2014.

32. Following advocacy and technical support by OHCHR, the Government of Madagascar agreed to submit a draft law to Parliament establishing a national human rights institution.

2. Americas and the Caribbean

33. During the period under review, the OHCHR regional offices for South and Central America, the country offices in Guatemala and Mexico and the human rights adviser to the United Nations country team in Ecuador continued to provide advice and assistance, in consultation with the National Institutions and Regional Mechanisms Section of OHCHR, for the strengthening of national human rights institutions in the Americas.

Capacity-building activities

34. In early 2013, at the request of the newly established national human rights institution of Uruguay, OHCHR funded the recruitment of a consultant to support that body's institutional development.

35. In November 2013, in cooperation with the Ombudsman of Panama, OHCHR developed a protocol to address cases of racial discrimination against indigenous people and Afro-descendants.

36. In January 2014, OHCHR organized a workshop for the staff of the Office of the Ombudsman of Ecuador with a view to strengthening their capacity to monitor public policies and handle complaints concerning economic, social and cultural rights.

37. In Guatemala, OHCHR is developing a programme to strengthen the capacity of the national human rights institution in the area of transitional justice, particularly enforced disappearances. The programme includes training in international human rights law, international criminal law and international humanitarian law. Training has also been organized to strengthen staff members' capacity to develop internal tools to deal with complaints of gender-based violence.

38. Also in Guatemala, OHCHR organized two workshops in February and April 2014 for the heads of local offices of the national human rights institution, with a view to designing the structure of a customized protocol to investigate human rights violations, including the context of forced evictions, states of emergency, social conflicts and protection of migrants. A seminar held in February 2014 together with the national human rights institution and two universities brought together key actors from different social sectors for an open dialogue to identify the relationship between social conflicts and human rights.

39. OHCHR provided advisory services to the national human rights institution of El Salvador in the drafting of alternative reports to treaty bodies and held a training programme on the eve of the second UPR of the country.

3. Asia and the Pacific

40. During the period under review, the OHCHR regional offices for South-East Asia and the Pacific and the human rights advisers to the United Nations country teams in Maldives and Sri Lanka continued to provide advice and assistance, in consultation with the National Institutions and Regional Mechanisms Section of OHCHR, for the establishment or strengthening of national human rights institutions.

Legal advice

41. In September 2013, OHCHR provided legal advice on a draft law to strengthen the Commission on Human Rights of the Philippines and to enhance its compliance with the Paris Principles.

Capacity-building activities

42. In 2013, OHCHR worked closely with the Human Rights Commission of Maldives by providing information, guidelines and manuals on human rights standards and monitoring. In particular, OHCHR provided advice and support to the commissioners and staff on human rights monitoring in connection with the elections. OHCHR also facilitated the Commission's sharing of inputs with United Nations human rights mechanisms.

43. OHCHR organized a presentation on the Paris Principles and the relationship between national human rights institutions and parliaments for members of the Mongolian National Human Rights Commission and Mongolian parliamentarians who visited Geneva in December 2013.

44. As a result of support and technical assistance from OHCHR, in partnership with the Asia-Pacific Forum of National Human Rights Institutions (APF), the Ombudsman of Samoa was vested with a broadened mandate under the new Ombudsman Act. OHCHR, APF and UNDP conducted a capacity assessment of the institution in February 2014.

45. In March 2014, OHCHR organized a presentation on the Paris Principles and the accreditation process for national human rights institutions to a delegation from the Human

Rights Commission of Sri Lanka during the latter's study tour to Geneva, organized by the Commonwealth Secretariat.

46. In Myanmar, OHCHR, together with other partners, provided support and technical cooperation to the national human rights commission and the executive and legislative authorities. As a result, the Parliament in March 2014 adopted a law providing for a stronger national human rights commission with a broad mandate. OHCHR undertook various related capacity-building activities, including the provision of training in the UPR process, the Paris Principles, economic, social and cultural rights and human rights.

4. Europe and Central Asia

47. During the period under review, the OHCHR regional offices for Europe and Central Asia, the OHCHR office in Kosovo and the human rights advisers in the Republic of Moldova, the Russian Federation, Tajikistan, the former Yugoslav Republic of Macedonia and Ukraine continued to provide advice and assistance, in consultation with the National Institutions and Regional Mechanisms Section of OHCHR, in the establishment and/or strengthening of human rights institutions.

Legal advice

48. In 2013, OHCHR provided advisory support to the Ombudsman of the Kyrgyz Republic to ensure effective follow-up to the recommendations of the Subcommittee on Accreditation and provided comments on the draft law on the Ombudsman to bring it into line with the Paris Principles.

49. In December 2013, at the request of the Government of Norway, OHCHR provided legal advice on the draft law establishing a new national human rights institution.

50. In the Republic of Moldova, OHCHR, in close cooperation with the Ministry of Justice, civil society and international partners, provided comments during the drafting of a law to reform the existing national human rights institution. Together with other stakeholders, it provided guidance to members of Parliament on relevant international standards. The law was enacted in May 2014.

Capacity-building activities

51. In cooperation with the Ombudsman of the Russian Federation, OHCHR organized a workshop on business and indigenous peoples' rights in June 2013, in the Khanty-Mansiysk region that was attended by human rights commission from 20 regions of the Federation and representatives of the Government and the business and indigenous communities. Participants were introduced to the international mechanisms and standards concerning indigenous peoples' rights and corporate responsibility. In October 2013, OHCHR organized a workshop for regional human rights commissioners on promoting equality and combating discrimination, with a focus on the relevant international legal framework.

52. In November 2013, OHCHR provided training to the staff of the Moldovan national human rights institution on anti-discrimination issues. In May 2014, it organized, with that institution, a forum on hate crimes and other discriminatory acts, as part of a broad initiative to press for improvements in national law, policy and practice in those areas.

53. In February 2014, OHCHR organized a workshop for the members of the committee tasked with selecting the new Ombudsman of Kosovo to ensure a fair and objective selection process.

54. In March 2014, OHCHR supported the participation of the Ombudsman of the Kyrgyz Republic in the 110th session of the Human Rights Committee during which the

State report was reviewed. OHCHR also organized capacity-building activities for the Ombudsman, including training programmes on international human rights standards, fair trials, adequate housing, the rights of minorities, the right to freedom of religion and the rights of women and children.

55. In June 2014, OHCHR held a seminar to share information and best practices with the staff of the newly established human rights institution of Turkey.

56. OHCHR extended technical support to the Ombudsman of Tajikistan for establishing a Working Group for Monitoring Places of Detention as a first step towards ratification of the Optional Protocol to the Convention against Torture. A two-day training programme was also organized to impart knowledge to the members of the Working Group about the monitoring tools and the Istanbul Protocol, besides providing guidance in drafting their annual work plan for monitoring places of detention.

57. OHCHR, along with the Ombudsman institution of the former Yugoslav Republic of Macedonia, advocated for amendments to its founding law to bring it in full compliance with the Paris Principles. OHCHR is also supporting the Government to identify the shortcomings of the Law of the national Anti-Discrimination Commission to define the amendments required to align it with the Paris Principles, and ensure the effective functioning of the Commission.

58. Upon the invitation of the Ombudsman of Azerbaijan, OHCHR participated in the 12th International Baku Conference of Ombudsmen, in June 2014, and made a presentation on the role of national human rights institutions in the protection and promotion of women's rights. OHCHR also conducted round tables on the role of such institutions for the staff of the Ombudsman's Office and other stakeholders.

5. Middle East and North Africa

59. During the period under review, the OHCHR regional offices for the Middle East and North Africa, the OHCHR offices in Mauritania, Palestine and Tunisia, the United Nations Assistance Mission for Iraq and the United Nations Support Mission in Libya continued to provide advice and assistance, in consultation with the National Institutions and Regional Mechanisms Section of OHCHR, in the establishment and/or strengthening of national human rights institutions in the Middle East and North Africa.

Legal advice

60. OHCHR provided legal advice on the draft law to amend the decree establishing a national human rights institution in Bahrain, to ensure its compliance with the Paris Principles.

Capacity-building activities

61. In 2013, in partnership with the United Nations Assistance Mission for Iraq (UNAMI), UNDP and the United Nations Office for Project Services, OHCHR engaged a human rights expert to help establish the secretariat of the High Commission for Human Rights of Iraq and to draft the Commission's first annual report. A consultant was recruited to help with the design and roll-out of the website of the High Commission for Human Rights of Iraq's website. UNAMI and OHCHR supported and facilitated the implementation of a new European Union-funded project for building the High Commission for Human Rights of Iraq's capacity by establishing and participating in a steering committee to supervise the implementation of the project and provide policy guidance. In June 2013, OHCHR made a presentation on the Paris Principles and the relationship between national human rights institutions and parliaments to a delegation

from the High Commission for Human Rights of Iraq and Iraqi parliamentarians visiting Geneva.

62. In Tunisia, OHCHR continued its advocacy for the strengthening of national human rights institution, the Higher Committee on Human Rights and Fundamental Freedoms, in line with the new constitution. In May 2013, in cooperation with the Danish Institute for Human Rights and the German Agency for International Cooperation, OHCHR organized a workshop on the Paris Principles for the commissioners of the Higher Committee. This was followed, in January 2014, by a visit to Copenhagen by members of the Higher Committee and of the National Constituent Assembly. A relevant draft law is expected to be submitted to the Government and, eventually, to the National Constituent Assembly for adoption.

63. In the fall of 2013, in the framework of a study tour in Geneva, OHCHR organized a presentation on the Paris Principles and the national human rights institution accreditation process to a delegation from the Omani national human rights institution. Subsequently, the International Coordinating Committee accredited the institution with B status. In March 2014, OHCHR, together with UNDP and APF, conducted a capacity assessment of the institution.

64. In December 2013, OHCHR together with UNDP conducted a mission to Egypt to assess the needs of the National Council for Human Rights with a view to establishing a technical cooperation programme between the National Council, OHCHR and UNDP.

65. OHCHR and the United Nations Support Mission in Libya deployed a dedicated adviser to strengthen the capacity of the Libyan National Council for Civil Liberties and Human Rights. OHCHR held training sessions for the staff on international human rights standards, on the collection, classification and analysis of information, and on report writing, field interviews and risk assessment. In March 2014, OHCHR, UNDP and the National Council organized a two-day conference to raise awareness and share good practices with regard to the independence of the National Council and to the national human rights action plan.

66. In cooperation with the national human rights commission of Bahrain, OHCHR organized a series of national consultations on various human rights issues, including a round table in April 2014 on the role of national human rights institutions in promoting and protecting human rights.

67. In the State of Palestine, OHCHR provided training to the staff of the national human rights institution in monitoring economic, social and cultural rights and assisted in the development and publication of a manual for law enforcement officials on legal standards for arrest and detention.

68. In May 2014, OHCHR organized a workshop on the Paris Principles and the role of a Paris-Principles-compliant national human rights institution for the commissioners and staff of the National Human Rights Commission of Mauritania.

B. Support by the Office of the High Commissioner for regional and subregional initiatives by national human rights institutions

1. Africa

69. On 31 May 2013, OHCHR co-organized and hosted the first meeting of the network of Central African national human rights institutions. The meeting was attended by five institutions and focused on an action plan and modalities for fundraising to sustain the network.

70. On 11 November 2013, OHCHR facilitated a training session on human rights investigation techniques during a workshop organized by the Economic Community of West African States Human Rights Institutions Network.

71. Together with the Commonwealth Forum of National Human Rights Institutions and the Danish Institute for Human Rights, OHCHR provided support to the biennial Conference of the Network of African National Human Rights Institutions, held from 27 to 29 November 2013 in Accra, with a focus on business and human rights. The Conference adopted a declaration identifying priorities for the African institutions' action in that area.

72. In November 2013, OHCHR organized a subregional consultation in Kampala on strengthening the protection mandate of national human rights institutions, with the participation of 26 representatives of such institutions from eight countries of East Africa. The participants shared good practices and challenges in implementing protection mandates. They agreed to set up a network of national human rights institutions in East Africa.

2. Asia and the Pacific

73. In December 2013, OHCHR, UNDP, APF and the Ombudsman of Samoa organized a regional roundtable on the establishment of national human rights institutions in the Pacific in Apia, Samoa, with the participation of representatives from Palau, Samoa, Tonga and Vanuatu.

74. In March 2014, OHCHR, APF and the Pacific Islands Forum finalized a joint partnership for the establishment and strengthening of independent national human rights institutions in the Pacific. The partnership outlines principles of cooperation to ensure coordination, good use of existing resources and complementarity of efforts. The strategy involves close cooperation in visiting the countries of the region, in follow-up actions, and in continuing assistance to support the independent functioning of national human rights institutions in the Pacific.

3. Middle East and North Africa

75. In June 2013, OHCHR participated in the ninth annual meeting of Arab National Human Rights Institutions, organized in Rabat by the National Human Rights Council of Morocco, with a focus on transitional justice. OHCHR made a presentation on transitional justice processes and the role of national human rights institutions in that regard.

76. In September 2013, OHCHR participated in the eighth Arab-European Human Rights Dialogue, organized by the Danish Institute for Human Rights in Copenhagen. OHCHR made a presentation on the importance of the independence and accountability of NHRIs and on the general observations of the International Coordinating Committee.

4. Europe and Central Asia

77. On 4 December 2013, OHCHR provided support for a regional conference organized by the Council of Europe on the working relations of the Ombudsman of Kosovo with the judiciary, including the Constitutional Court. This conference was attended by representatives of ombudsman institutions and constitutional courts of the region.

C. Contributions by the Office of the High Commissioner to international initiatives supporting national human rights institutions

1. Annual general meetings of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights

78. During the reporting period, OHCHR provided secretariat and technical support for two annual general meetings of the International Coordinating Committee, held in Geneva from 6 to 8 May 2013 and from 12 to 14 March 2014.

2. Bureau meetings

79. OHCHR provided secretariat and technical support for three statutory Bureau meetings of the International Coordinating Committee, which were held in Geneva on 6 May 2013 and 12 March 2014 and in Accra on 25 and 26 November 2013. The Bureau members discussed their strategic priorities and other organizational issues. They also endorsed the reports of the Subcommittee on Accreditation of November 2012, May 2013 and November 2013.

3. Subcommittee on Accreditation

80. Article 6 of the Statute of the International Coordinating Committee provides that meetings of the Subcommittee on Accreditation shall be held under the auspices of and in cooperation with OHCHR. Accordingly, OHCHR provided substantive support for three sessions of the Subcommittee, held in Geneva in May and November 2013 and in March 2014. The presence of OHCHR at all the meetings of the Subcommittee is instrumental to attesting the compliance of the accreditation process with the established rules of procedure and contributes to its transparency, fairness and rigorosity.

4. National human rights institutions in Portuguese-speaking countries

81. In May 2013, OHCHR participated in a meeting in Lisbon as follow-up to a workshop held in October 2012 in Cape Verde on the establishment and strengthening of NHRIs in the Portuguese-speaking countries. During the meeting, a network of national human rights institutions of Portuguese-speaking countries was formally established under the chairship of the national human rights institution of Mozambique.

5. Fellowship programme for staff of national human rights institutions

82. OHCHR continued the fellowship programme for the staff of A-status national human rights institutions. Initiated in 2008, the programme is designed to provide fellows with information on and working experience with the international human rights system, and to familiarize them with the work of OHCHR with national human rights institutions. During the period under review, fellows from the human rights institutions of Kenya, Mexico, Mongolia, Morocco, the State of Palestine, the Philippines and South Africa participated in the programme.

III. Cooperation between United Nations human rights mechanisms and national human rights institutions

A. Human Rights Council

83. During the reporting period, national human rights institutions were active before and during the sessions of the Human Rights Council, delivering statements, submitting

written documentation, participating in general debates and under specific agenda items, organizing parallel events and interacting with the special procedures. A total of 31 institutions participated in Council sessions during the reporting period (see annex I). Out of these, 12 NHRIs participated in the sessions of the Human Rights Council through video statements.

84. In May 2013, at the twenty-third session of the Human Rights Council, a representative of the Commission on Human Rights of the Philippines participated in the panel discussion on the contribution of parliamentarians to the work of the Human Rights Council and the UPR.

85. In June, 2013, at the twenty-fourth session of the Human Rights Council, a representative of the Australian Human Rights Commission and the Ombudsperson for Gender Equality of Egypt participated in the annual full-day panel discussion on women's rights.

1. Universal periodic review

86. The second cycle of the UPR has seen increased engagement by national human rights institutions (see annex II). As was agreed on by the Council, a summary of the written contributions submitted by A-status institutions now forms a separate section in the summary of information from stakeholders prepared by OHCHR, which is one of the three documents that form the basis of the review. This has allowed A-status institutions to share their independent views on the impact of the UPR on the promotion and protection of human rights, including good practices, challenges and emerging human rights issues.

87. A-status institutions are also increasingly making use of opportunities created for them by the Council to intervene immediately after the State under review at the adoption of the outcome of the review by the Council plenary, including through the representative of the International Coordinating Committee or through video statements.

88. In the light of the role that national human rights institutions can play at the national level in the follow-up to the review and in developing tools to monitor and assess progress in the implementation of recommendations, OHCHR has been actively supporting and encouraging their participation in the UPR process.

89. A few A-status institutions have contributed in writing or via video statements to the general debate under agenda item 6 of the Council, including by sharing midterm progress reports on the status of the implementation of recommendations, and of voluntary commitments and pledges made by States.

2. Special procedures

90. During the general debates at the sessions of the Human Rights Council, the International Coordinating Committee and individual national human rights institutions interacted with special procedures mechanisms and submitted written contributions on reports prepared by the latter.

91. OHCHR regularly provides special procedures mandate holders preparing for country missions with information on the work of national human rights institutions. Increasingly, mandate holders seek the assistance of such institutions in ensuring that their recommendations are implemented at the national level.

B. Treaty bodies

92. OHCHR continued to support the participation of national human rights institutions in the sessions of the treaty bodies. The secretariats of the treaty bodies, the National

Institutions and Regional Mechanisms Section of OHCHR and the Geneva representative of the International Coordinating Committee liaised with national human rights institutions prior to each session to encourage them to provide written or oral information, and to attend the sessions. OHCHR also prepared briefings on institutions for the attention of treaty bodies, and disseminated relevant recommendations and concluding observations to the institutions concerned.

93. During the reporting period, human rights treaty bodies reviewed 202 States parties, 111 of which had national human rights institutions. Of the 111 institutions, more than 60 interacted with treaty bodies by submitting reports, briefing treaty bodies prior to the review or attending the sessions (see annex III).

94. Treaty bodies have been providing national human rights institutions with advice and tools to facilitate their effective engagement, including by issuing general comments, information notes and statements and inviting representatives of the institutions to their meetings. The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child have adopted general comments on national human rights institutions. The Committee on the Elimination of Racial Discrimination has amended its rules of procedure to allow A-status institutions to address the Committee in plenary session. The Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities have included in their working methods a section on the participation of national human rights institutions in their activities.

95. The Committee on Enforced Disappearances is discussing a paper on its relationship with the NHRIs to enhance the opportunities for NHRIs to engage with and contribute to its work. The Committee has engaged with the International Coordinating Committee in the process.

96. The Committee on the Elimination of Discrimination against Women held informal public meetings in July 2013 and February 2014 with the representatives of six national human rights institutions to gather information for its fifty-fifth and fifty-seventh sessions.

97. In September 2013, two NHRIs made interventions during the dialogue with State parties at the tenth Session of the Committee on the Rights of Persons with Disabilities, and provided information on their national-level monitoring activities.

98. As of March 2014, a total of 36 NHRIs had been designated as national preventive mechanisms under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Of those institutions, 17 had submitted annual reports to the Subcommittee on Prevention of Torture. During the period covered in this report, the Subcommittee conducted an advisory visit to the NPM (NHRI) of Armenia and held meetings with the NHRIs of Gabon, Germany, New Zealand and Peru in the context of its country visits.

C. Other meetings

99. Twenty national human rights institutions participated in the second United Nations Forum on Business and Human Rights, held in December 2013 in Geneva. The Working Group on the issue of human rights and transnational corporations and other business enterprises was represented on one of the panels focusing on trends, best practices and challenges in the implementation of the Guiding Principles on Business and Human Rights and the United Nations "Protect, Respect and Remedy" Framework.

IV. Cooperation with and support to national human rights institutions by international and regional organizations

100. During the reporting period, OHCHR support towards the establishment and strengthening of NHRIs in French-speaking countries, including Benin, the Comoros, Côte d'Ivoire, the Democratic Republic of the Congo, Mali and Senegal, was provided jointly or in cooperation with the International Organization of la Francophonie.

101. In early 2014, OHCHR and the International Organization of la Francophonie held discussions on their priorities for 2014 regarding the establishment or strengthening of NHRIs and, for that purpose, identified the following countries: Benin, Burkina Faso, Cameroon, Chad, Côte d'Ivoire, Djibouti, the Democratic Republic of the Congo, Guinea, Mali, Niger, Senegal and Togo.

V. Recommendations

A. Recommendations to States

102. States are encouraged to establish a national human rights institution where none exists, and to strengthen the structures and independence of existing ones in order to enable the effective fulfilment of their mandate, taking into account the recommendations made by the Subcommittee on Accreditation and the advice provided by OHCHR.

103. States are encouraged to ensure that national human rights institutions are provided with a broad mandate to protect and promote all human rights, including economic, social and cultural rights, and are granted adequate powers of investigation into allegations of human rights violations, including an authorization to visit detention centres.

104. States must ensure that national human rights institutions are provided with adequate human and financial resources and enjoy the necessary autonomy to propose and manage their own budgets and recruit their own staff members.

105. Open, participatory and pluralistic processes are important when establishing or strengthening national human rights institutions in compliance with the Paris Principles, as well as in the selection and appointment of such institutions' members and staff.

106. Members and staff of national human rights institutions should enjoy immunity while discharging their functions in good faith.

107. States are encouraged to implement the recommendations of national human rights institutions.

108. States are urged to ensure, through appropriate means, the continuation of efficient and high-quality assistance for the establishment and strengthening of national human rights institutions and the servicing of the International Coordinating Committee.

B. Recommendations to national human rights institutions

109. National human rights institutions working in conflict situations or crises are encouraged to be vigilant and proactive in protecting the rights of persons affected, in accordance with the Paris Principles.

110. National human rights institutions are encouraged to continue their work towards implementing, in cooperation with key partners, the Amman Declaration and Programme of Action on the promotion and protection of the human rights of women and girls, adopted at the Eleventh International Conference of National Human Rights Institutions for the Promotion and Protection of Human Rights, held in Jordan in November 2012.

111. National human rights institutions are encouraged to continue to develop, and advocate for the development of, protective measures and mechanisms for human rights defenders, and to disseminate information thereon.

112. In line with the Paris Principles, national human rights institutions are encouraged to continue to engage with the international human rights system.

113. National human rights institutions are encouraged to continue to advocate for their independent participation in the meetings of United Nations human rights bodies, namely, the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Open-ended Working Group on Ageing.

Annexes

Annex I

[English only]

Submissions of national human rights institutions to the Human Rights Council

April 2013-March 2014

<i>Country/Institution</i>	<i>Segment</i>	<i>Date</i>
Equality and Human Rights Commission of Great Britain	Agenda Item 3 Report of the Special Rapporteur on trafficking in persons, especially women and children	May 2013
Asia Pacific Forum of National Human Rights Institutions (APF)	Agenda Item 3 APF Action Plan on the Human Rights of Women and Girls: Promoting Gender Equality	May 2013
	Agenda Item 3 APF collaboration with and contributions to United Nations agencies and fora, 2011-2012.	June 2013
National Human Rights Commission of India	Agenda Item 3 Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions on his visit to India	May 2013
International Coordinating Committee of National Human Rights Institutions (ICC)	Agenda Item 3 The Amman Declaration and Programme of Action	May 2013
	Agenda item 8 Oral statement and video statement, joint NHRI statement	June 2013
	Agenda Item 8 Interactive dialogue with the High Commissioner for Human Rights	September 2013
	Clustered Interactive dialogue Panel discussion	March 2014
Defensoría del Pueblo of Ecuador	Agenda Item 3 Report of the Special Rapporteur on extrajudicial executions	March 2013
	Agenda Item 3 Report of the Special Rapporteur on the right to education	May 2013

<i>Country/Institution</i>	<i>Segment</i>	<i>Date</i>
Network of Americas National Human Rights Institutions	Agenda Item 3 Plan de Acción Regional sobre los derechos humanos de mujeres y niñas	May 2013
	Clustered Interactive Dialogue Annual Full-day meeting on the rights of the child Submission of documentation: Declaration of Puerto Ordaz	March 2014
	Commission on Human Rights of the Philippines	May 2013
Australian Human Rights Commission	Panel discussion on the contribution of parliamentarians to the work of HRC and its UPR	May 2013
	Annual Full day discussion on women's Rights Annual Full day discussion on women's Rights	June 2013
	Agenda item 6 General Debate	March 2014
Ombudsperson for Gender Equality of Egypt	Annual Full day discussion on women's Rights	June 2013
Commission nationale des droits de l'homme France	Agenda item 6 UPR France	June 2013
Protector of Citizens of the Republic of Serbia	Agenda item 6 UPR of Serbia	June 2013
Commission consultative des droits de l'homme du Grand- Duché du Luxembourg	Agenda item 6 UPR of Luxembourg	June 2013
National Commission for Human Rights, Greece	Interactive Dialogue with Special Rapporteur country report	June 2013
Canadian Human Rights Commission	Interactive Dialogue with Working Group on Business and Human Rights Panel discussion	June 2013
	Agenda Items 3 and 5 Clustered Interactive dialogue	September 2013
	Agenda item 6 UPR of Canada	
Northern Ireland Human Rights Commission, Equality and Human Rights Commission, Scottish Human Rights Commission	Agenda item 8 Panel	March 2014
	Joint Statement Clustered Interactive Dialogue	June 2013
	Interactive dialogue joint statement Clustered Interactive Dialogue	September 2013
	Agenda item 3 Report of the Special Rapporteur on adequate housing	March 2014

<i>Country/Institution</i>	<i>Segment</i>	<i>Date</i>
Human Rights Commission of Malaysia (SUHAKAM)	Agenda item 3 Report of the consultation on the promotion and protection of the human rights of older persons	September 2013
	Agenda Item 3 Report of the Special Rapporteur on the Rights of Indigenous Peoples: Extractive Industries and Indigenous Peoples	
	Agenda item 3 Report of the Special Rapporteur on the Right to Food – country report Panel on the promotion and protection of civil society space	March 2014
	Agenda item 6 UPR of Malaysia	
Defensoria del Pueblo, Colombia	Agenda item 6 UPR of Colombia	September 2013
	Panel Annual Full-day meeting on the rights of the child	March 2014
German Institute for Human Rights	Agenda item 6 UPR of Germany	September 2013
National Commission on Human Rights and Freedoms, Cameroon	Agenda item 6 UPR of Cameroon	September 2013
State of Palestine: Independent Commission for Human Rights	Agenda item 7 Video statement	September 2013
National Human Rights Commission of Mauritania	Panel – oral statement	March 2014

<i>Country/Institution</i>	<i>Segment</i>	<i>Date</i>
National Human Rights Council of Morocco	Panel – oral statement Clustered Interactive Dialogue Panel Agenda Item 1 Human rights mainstreaming and migrants Agenda Item 1 Foreigners and Human Rights in Morocco: For A Radically New Asylum and Migration Policy Agenda item 3 Annual Full-day meeting on the rights of the child Submission of report: Children in Protection Centres: Childhood at Risk for an Integrated Policy to protect Children's Rights Agenda item 2-3 Annual full-day meeting on Human Rights of Persons with Disabilities	March 2014
National Human Rights Commission of Republic of Korea	Agenda item 3 country report	March 2014
	Agenda item 3 Report of the Special Rapporteur on Human Rights Defenders	March 2014
Malawi Human Rights Commission -country report	Agenda item 3 country report	March 2014
Scottish Human Rights Commission on behalf of Equality and Human Rights Commission	Clustered Interactive Dialogue	March 2014
Scottish Human Rights Commission	Clustered Interactive Dialogue Panel Agenda item 3 Report of the Special Rapporteur on Human Rights and Environment Agenda item 3 Annual full-day meeting on the rights of the child	March 2014
Northern Ireland Human Rights Commission (NIHRC)	Clustered Interactive Dialogue	March 2014
Office of the Commissioner for Human Rights of the Republic of Azerbaijan	Clustered Interactive Dialogue	March 2014

<i>Country/Institution</i>	<i>Segment</i>	<i>Date</i>
National Commission on Human Rights, Mexico	Agenda item 3 Death Penalty	March 2014
Jordan National Center for Human Rights	Agenda item 6 UPR of Jordan	March 2014
Irish Human Rights Commission	Agenda item 6 General debate	March 2014
Kenya National Commission on Human Rights	Agenda Item 1 The death penalty in Kenya	March 2014
	Agenda item 3 Annual Full-day meeting on the rights of the child, Submission of report: Rights of persons with disabilities to education in Kenya	
	Agenda item 3 Annual Full-day meeting on the rights of the child, Submission of report: Access to justice for children in Kenya	

Annex II

[English only]

Engagement of national human rights institutions in the second cycle of the universal periodic review (2012–2016)

17th UPR Working Group session (2014)

<i>State (in order of review)</i>	<i>Written contribution for summary (as used)¹</i>	<i>Oral statement to Human Rights Council during the adoption of the UPR outcome of the concerned country (A-status national human rights institutions only)</i>
Nigeria	(A-status)	Yes (25th HRC session)
Mexico	Yes (A-status)	Yes (25th HRC session)
Mauritius	(A-status)	Yes (25th HRC session)
Jordan	Yes (A-status)	Yes (25th HRC session)
Malaysia	Yes (A-status)	Yes (25th HRC session)

16th UPR Working Group session (2013)

<i>State (in order of review)</i>	<i>Written contribution for summary (as used)</i>	<i>Oral statement to Human Rights Council during the adoption of the UPR outcome of the concerned country (A-status national human rights institutions only)</i>
Colombia	(A-status)	Yes (24th HRC session)
Germany	(A-status)	Yes (24th HRC session)
Canada	Yes (A-status)	Yes (24th HRC session)
Bangladesh	Yes (B-status)	-
Russian Federation	Yes (A-status)	-
Azerbaijan	Yes (A-status)	-
Cameroon	(A-status)	Yes (24th HRC session)

15th UPR Working Group session (2013)

<i>State (in order of review)</i>	<i>Written contribution for summary (as used)</i>	<i>Oral statement to Human Rights Council during the adoption of the UPR outcome of the concerned country (A-status national human rights institutions only)</i>
France	Yes (A-status)	Yes (23rd HRC session)
Burundi	Yes (A-status)	-
Luxembourg	Yes (A-status)	Yes (23rd HRC session)

¹ "Yes" appears only where institutions made written contributions.

<i>State (in order of review)</i>	<i>Written contribution for summary (as used)</i>	<i>Oral statement to Human Rights Council during the adoption of the UPR outcome of the concerned country (A-status national human rights institutions only)</i>
Montenegro	Yes (no ICC status) -	
Serbia	(A-status)	Yes (23rd HRC session)

Annex III

[English only]

**Engagement of national human rights institutions
in the work of the treaty bodies
(April 2013–May 2014)**

<i>Committees</i>	<i>Number of States Parties Reviewed</i>	<i>Number of States Parties with a NHRI</i>	<i>Submission of information</i>	<i>Briefing</i>
CAT	26	14	10	3
CERD	23	13	3	6
CESCR	29	17	10	11
HRCtte	23	11	6	3
CEDAW	31	18	4	9
CMW	9	8	6	3
CRC	48	18	12	5
CRPD	7	7	2	3
CED	6	5	1	1
Total	202	111	54	44